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Sixth & Seventh Session

SENATE JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

State of Nebraska.

SPECIAL CALLED SESSION.

BEGUN AND HELD AT THE CAPITOL, FEBRUARY 17, A. D. 1870.

PUBLISHED BY AUTHORITY.

OMAHA:

ST. A. D. BALCOMBE, STATE PRINTER.

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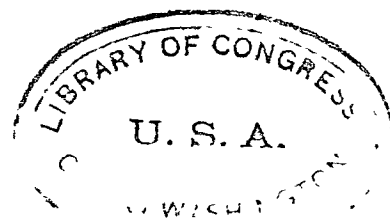
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SENATE JOURNAL.

SPECIAL SESSION.

SENATE CHAMBER,
Thursday, February 17, 1870 }

Pursuant to proclamation of his Excellency David Butler, Governor of the State of Nebraska, which is as follows :

STATE OF NEBRASKA,
EXECUTIVE DEPARTMENT. }

A PROCLAMATION,

BY THE GOVERNOR.

WHEREAS, The Constitution of the State of Nebraska, provides that "the Legislature may, on extraordinary occasions, be convened by Proclamation of the Governor and when so convened, shall transact no business except such as relates to the object for which it was so convened, to be stated in the Proclamation of the Governor," and

WHEREAS, In the opinion of the Executive, the best interests of the State demand that the Legislature should meet, as soon as may be, in Special Session.

Therefore, in accordance with the provisions of the Constitution, and by virtue of the authority vested in me, I David Butler, Governor of the State of Nebraska, do call upon the members of the Legislature of the said State, to meet at the Capitol, in Lincoln, on THURSDAY THE 17TH DAY OF FEBRUARY, A. D. 1870, at the hour of 2 o'clock, P. M., for the purpose of taking action upon the following subjects of Legislation :

FIRST—The Ratification of the proposed Fifteenth Amendment to the Constitution of the United States.

SECOND—To provide for the erection of a Penitentiary.

THIRD—To authorize the County Commissioners of Cuming County to issue Bonds, amounting to \$5,000, for Bridge purposes.

FOURTH.—To extend the Jurisdiction of Probate Judges, in civil cases.

FIFTH—To provide for the care and custody of State Prisoners.

SIXTH—The passage of a Militia Law.

SEVENTH—The encouragement of Immigration.

EIGHTH—The relinquishment of State Jurisdiction over lands where the General Government have erected, or propose to erect public buildings.

NINTH—The Amendment of Section 2 and Section 5, of the act entitled "An Act to enable Counties, Cities and precincts, to borrow money on their bonds, or to issue bonds to aid in the construction or completion of works of internal improvement in this State, and legalize bonds already issued for such purposes," approved February 15th, 1869, so far as said sections provide for the annual payment of any portion of the principal of Bonds so issued.

TENTH.—To provide for relief in cases where Counties have voted or levied taxes in pursuance of the act last above mentioned for the annual payment of a portion of the principal of bonds issued in pursuance of the said act.

ELEVENTH—To amend the act entitled "An Act to amend Section 1, of an act entitled an act to provide for the publication of the decisions of the Supreme Court, and for the payment of the reporter," approved February 15, 1869.

TWELFTH—To ratify and confirm a certain contract made by the Governor for the conveyance of certain lands to Isaac Cahn and John M. Evans, to aid in the developement of the Saline interests of the State.

THIRTEEN—To amend an act entitled "An Act to incorporate cities of the first class, in the State of Nebraska," approved February 8, 1869.

FOURTEENTH—To amend Chapter 53 Revised Statutes entitled "Towns."

FIFTEENTH—To make appropriations for necessary incidental expenses of State officers.

SIXTEENTH—To provide for transfer of State University Funds.

SEVENTEENTH—To amend the act fixing the time of holding District Court.

EIGHTEENTH—To make appropriations for the mileage and per diem of the members of the Legislature and the incidental expenses of the Session.

NINETEENTH—To divide the State into Congressional Districts.

TWENTIETH—To correct clerical errors made in enrolling and reporting the acts of last session.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Nebraska. Done at Lincoln, this Seventh day of February, in the year of our Lord One Thousand Eight Hundred and Seventy, of the Independence of the United States the Ninety-fourth, and of this State the Third.

DAVID BUTLER.

By the Governor:

T. P. KENNARD, Secretary of State.

And this being the day appointed for the meeting of the Legislature of the State of Nebraska in extraordinary session, the Senate met at 2 o'clock P. M., and the roll being called the following named gentlemen answered to their names, viz: Messrs. Ashton, Barnum Cunningham, Frost, Gere, Goodwell, Hathaway, Stevenson and Mr. President. Absent: Messrs. Majors, Porter, Reavis and Chapin.

Mr. Stevenson, from Otoe, presented the credentials of William Daily, Sr., elected to fill vacancy occasioned by resignation of Hon. Thomas J. Majors from 2d Senatorial District.

Mr. Cunningham presented the credentials of Samuel A. Fulton, elected to fill vacancy occasioned by the resignation of Hon. Isham Reavis from 3d Senatorial District.

Mr. Hathaway presented the credentials of Eugene L. Reed, elected to fill vacancy occasioned by the resignation of Hon. William F. Chapin from — Senatorial District.

Mr. Stevenson moved that a committee of three be appointed upon credentials.

Which motion was agreed to.

Messrs. Stevenson, Frost and Gere were appointed as such committee.

Committee on credentials submitted the following report :

Mr. President :

Your committee have examined the certificates of the following named gentlemen who appear to have been duly elected members of the Senate and are entitled to seats on this floor :

William Daily, Sr., from 2d Senatorial District.

Samuel A. Fulton, " 3d " " "

Eugene L. Reed, " — " " "

Messrs. Daily, Fulton and Reed then appeared at the bar of the Senate, whereupon the President of the Senate administered the following oath which was respectively subscribed by them :

STATE OF NEBRASKA, }
Lancaster County, } ss.

We, and each of us, do solemnly swear that we will support the Constitution of the United States and the Constitution of the State of Nebraska, and faithfully discharge the duties of the office to which we were severally chosen, to the best of our ability so help us God.

WILLIAM DAILY, SR.,
SAMUEL A. FULTON,
EUGENE L. REED.

The following resignation of Mr. John R. Patrick, Assistant Secretary of the Senate was received and accepted by the Senate :

LINCOLN, Nebraska, February 17, 1870.

To the Honorable the President of the Senate :

I herewith tender my resignation as Assistant Secretary of the Senate, thanking the members for the uniform courtesy and kindness with which they have always met me in the discharge of duty.

Respectfully,

J. R. PATRICK.

The Secretary reported the following officers of the Senate absent, viz:

WILLIAM A. POLLOCK, *Sergeant-at-Arms.*

GEORGE VANDERVENTER, *Engrossing Clerk.*

W. E. SHERBY, *Enrolling Clerk.*

JOHN BRADSHAW, *Doorkeeper.*

— HAYS, *Fireman.*

Mr. Frost moved that the Senate proceed to the election of officers to fill vacancies occasioned by resignation and absence.

Which motion was agreed to.

Mr. Hathaway nominated E. R. James as Assistant Secretary vice John R. Patrick resigned, pending which motion Mr. Stevenson moved that the further nomination of officers be postponed until to-morrow morning.

Which motion was agreed to.

Mr. Frost moved that a committee be appointed to wait upon the House and inform that body that the Senate is organized and ready to proceed to business.

Which motion was agreed to.

Messrs. Frost and Daily were appointed such committee.

Mr. Cunningham in the chair.

Mr. Taylor gave notice that upon to-morrow or some subsequent day, he would introduce a bill entitled "An Act to amend an act to incorporate cities of the first class."

Mr. Gere moved that a committee of three be appointed to wait upon the House and invite that body to meet the Senate in Joint Session in the hall of the House to receive the Governor's message.

Which motion was agreed to.

Messrs. Gere, Ashton and Barnum were appointed as such committee.

Messrs. McCartney and Loveland, a committee of the House, appeared and informed the Senate that the House had completed its organization and was ready to proceed to business.

Mr. Hathaway moved that a committee be appointed to act with a like committee on the part of the House to inform his Excellency the Governor that the two Houses have completed their organization and all ready to receive any communication which he may be pleased to make.

Which motion was agreed to.

Mr. Hathaway was appointed such committee on the part of the Senate.

Mr. Cunningham moved that a committee be appointed to wait upon the House and inform that body that the Senate is ready to meet them in joint convention in the hall of the House.

Which motion was agreed to.

Messrs. Cunningham, Ashton and Reed were appointed such committee.

Committee appointed to wait upon his Excellency the Governor and inform him that the two Houses are fully organized and ready to receive any communication he may see fit to make, reported that the Governor would communicate his message to the two Houses immediately upon their assembling in joint convention.

Messrs. Church and Griffin, a committee from the House, appeared and informed the Senate that the House is in waiting to receive the Senate in joint session.

Whereupon the Senate proceeded in a body to the hall of the House to meet that body in joint session.

JOINT CONVENTION.

The Convention was called to order by the President of the Senate.

Mr. Church (from the House) moved that a committee be appointed to wait upon his Excellency the Governor, and inform him that the General Assembly in joint convention is ready to receive any communication he may be pleased to make.

Which motion was agreed to.

Messrs. Church and Reed were appointed such committee.

The committee appointed to wait upon the Governor appeared escorting his Excellency, who delivered the following message :

GOVERNOR'S MESSAGE.

Gentlemen of the Senate and House of Representatives :

It is with peculiar satisfaction and pleasure that I again welcome you to our new capital city, in the capacity of legislators.

The laws framed and enacted by you at your last session, have in the main proved very beneficial to the State ; creditable alike to yourselves and the people you represent. Especially may I, at this time, commend the disposition made by you of State Internal Improvement lands.

Incited by the prospect of aid under the provisions of that act, some six railroads have completed each their ten miles of road, during the past season, and have become entitled to its benefits. As a legitimate consequence, the lands adjacent to these new thoroughfares are being rapidly settled, the interior is being opened up, and great activity is witnessed in business circles. The wealth and population of our State is rapidly increasing, and in every way we have reason to congratulate ourselves upon our material prospects.

In the press of business attendant upon the first regular session under our State government, it is not a matter of surprise that some important subjects of legislation were overlooked or omitted.

To provide for these, and other cases which have arisen during the year just passed, I have again thought it advisable to convene the Legislature in special session.

Many topics have been suggested from different sections of the State which I should have been glad to include were I not satisfied that the Constitution did not contemplate so wide a field of labor for you when met in special session.

I have, therefore, selected a few of the most important and pressing in their nature, to the consideration of which I will now call your attention.

FIRST—The ratification of the proposed Fifteenth Amendment to the Constitution of the United States.

I shall have the honor of transmitting to your respective bodies attested copies of a resolution of Congress proposing an amendment to the Constitution of the United States. It is in the form of an additional Article, and is as follows :

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

It is not my purpose to discuss the merits of this question at length. The principle involved in this amendment is recognized in the organic law of this State; it was made a fundamental condition of our admission to the Union, that within our borders there should be no denial of the elective franchise, or of any other right, to any person by reason of race or color. And our Legislature by a solemn public act declared the assent of our people to said fundamental condition.

Upon the broad basis then of "Equality before the law" we took our stand at the first, and it has been to a large majority of our citizens, a source of no small degree of pride, that they were able to point to such a record, and to know that our State was the first to give *reality* to the truth enunciated in the Declaration of Independence, "that all men are created free and equal."

It is but an act of simple justice to the National freedman that they should have the same right to vote, whether residing in Nebraska or Texas. This right can only be secured to them by embodying it in the Federal Constitution, as now proposed, where it will be forever placed beyond and above the changes that may occur in the public opinion of particular localities.

When this is done, and only then, will the work of reconstructing the Union have been thoroughly and grandly accomplished.

The assent of twenty-eight States is required to make this amendment valid. Twenty-seven (not counting New York) have already declared such assent.

It is now your privilege to complete this work so well begun, to give the finishing touch to this fabric of *true* American liberty, to strike the final blow which shall sunder chains forged by the barbarism of past ages and maintained by an unjust prejudice to the present day. It would be a source of great gratification to myself, and I doubt not to a very large majority of the citizens of our State, should you be able to ratify this amendment without a dissenting vote.

SECOND—To provide for the erection of a Penitentiary.

The subject of providing for the confinement and employment of our State prisoners should receive your early and careful attention.

The erection of a suitable building for this purpose cannot, in justice to the State or the convict be longer delayed.

Under the present system, prisoners are confined in the jails of different counties, six in number. Under this arrangement the expense to the State for subsistence and guard duty is much greater than it would be if a single place was provided for their confinement.

By the erection of a Penitentiary and suitable workshops, as in other States, the labor of convicts might be made available and a source or revenue to the State.

I am assured that the present arrangement is very bad for the convict. Placed as he often is, in the damp, unhealthy cells of our overcrowded jails, without employment for either mind or body, it could hardly be expected that he would improve morally or physically. Indeed it is almost universally true that at the end of his term, when he again takes his place in the business pursuits of life, he is wholly unfitted for honest employment,

I would therefore, earnestly recommend that you at once make an appropriation, ample enough to erect buildings creditable to the State, and equal to our wants for years to come. By judicious management we ought to realize at least one hundred and fifty thousand dollars from the sale of lands donated to the State for that purpose.

Work however, should commence at once on the building, that a portion at least may be ready for occupancy at the close of the present season. This will require an appropriation of perhaps fifty thousand dollars at the present time.

I would suggest the following plan, viz: That provisions be made for the sale of the Penitentiary lands at an early day.

That to meet the present requirements for money to commence the work, an issue of State Penitentiary Bonds bearing ten per cent. interest to the amount of fifty thousand dollars be authorized. That the Commissioners of the School Land Fund be authorized to invest that fund in said bonds from time to time as may be necessary for the successful prosecution of the work. The moneys of that fund have heretofore been invested in United States bonds.

THIRD—To authorize the County Commissioners of Cuming county to issue bonds amounting to \$5,000 for bridge purposes.

The Commissioners of Cuming county levied a tax of ten mills on the dollar for the purpose of building a bridge across the Elkhorn river in said county. Nine-tenths of said tax was set aside by the District Court. The bridge is nearly or quite completed and the contractor is not paid. The Commissioners ask, and I recommend the passage of a law authorizing them to issue County Bonds to the amount of five thousand dollars to pay for said bridge, and authority to levy and collect an annual tax of one mill one the dollar for the payment of interest thereon, and the redemption of such bonds.

FOURTH—To extend the Jurisdiction of Probate Judges in civil cases.

A law intended to meet this want was passed at your last regular session. It failed however to receive the signature of the Speaker of the House. As it seems to be universally desired I recommend the passage of a law similar in its features.

FIFTH—To provide for the care and custody of State Prisoners.

Your attention is called to this subject, hoping you may find some means whereby State Prisoners may receive better care and perhaps be made useful during the time that must necessarily elapse before the completion of the Penitentiary.

I am in receipt of letters from prominent men throughout the State urging that some arrangements, other than those now existing, be made. It has been suggested that the basement of the Capitol building might be fitted up for their temporary reception at a moderate cost, and that the expense of supporting and guarding them might be materially lessened thereby. Also that in case such arrangement be made, they could be employed on the Penitentiary and other State buildings to be erected. Their own condition would be greatly benefitted by such a change and by constant employment, while the State would be partially reimbursed for moneys expended in their care.

SIXTH—The passage of a Militia law.

This subject is again before you for consideration. I am satisfied that the interests of the State demand the passage of a stringent militia law and the organization of an effective military force, that the very fact of such an organization existing in the State, well drilled and armed would do much to deter hostile Indians from invading our frontier counties. That it would encourage settlers to push out and populate those counties cannot be doubted. I trust you will consider this matter and if possible give us an effective organization. At least, we should have a law under which to organize on extraordinary occasions. Several times the Executive has been embarrassed to a great degree by having no authority under which to act when it became imperatively necessary to call out troops.

SEVENTH—The encouragement of Immigration.

The best interests of the State demand that we delay this matter no longer. I am assured that this present year will witness an unprecedented immigration from foreign countries. Let us not be behind our sister States in our endeavors to secure this valuable addition to our population. As I said in my message last year "thousands are constantly swarming from the different countries of Europe to find homes in this land of free institutions. They bring with them a limited amount of capital, but what is more important to a new State, whose fertile soil is teeming with ready wealth, they bring with them productive industry. It is desireable that we should secure as large an influx of these people as possible and with it receive the rich freight borne by this human tide. Other States have their chartered immigration societies and their salaried agents furnished with means, whose business it is to make known the advantages of their respective States, to give the immigrant correct information as to routes and localities, to aid him in securing direct and cheap conveyance, to guard him against the frauds

and extortions of unprincipled men, and to direct him to favorable localities in which he can find a home for his family and an open field for his labor. Nebraska, with millions of undeveloped wealth in her soil and minerals, and with climate and commercial unsurpassed by any new and inland State, has done almost nothing. If not due to the immigrant himself, at least it is due to our present population, that immediate and efficient measures be taken to avail ourselves of this most effectual and desirable means for the early development of our material resources."

I urge upon you the necessity of a liberal appropriation for this purpose. We cannot make a better investment.

EIGHTH—The relinquishment of State jurisdiction over lands where the General Government have erected, or propose to erect, public buildings.

As the United States government will not erect public buildings on lands over which the State retains jurisdiction, I would recommend that said jurisdiction be relinquished over lands occupied by the United States for military purposes in Douglas county, also over grounds selected as a site for the Postoffice and Court House in the city of Omaha.

NINTH—The Amendment of Section 2 and Section 5, of the act entitled "An act to enable counties, cities and precincts to borrow money on their bonds, or to issue bonds to aid in the construction or completion of works of internal improvement in this State and legalize bonds already issued for such purposes," approved February 15th, 1869, so far as said sections provide for the annual payment of any portion of the principal of bonds so issued.

The provisions of this law require the annual levy and collection of a tax sufficient to pay the interest, and a portion of the principal of bonds issued in pursuance thereof.

In my opinion the payment of any portion of the principal should be postponed for a term of years. Many counties anxious to aid in the construction of railroads and other works of public improvement have voted to issue, and have so issued, large amount of bonds. In some cases, it is too much of a burden on the tax-payers to require of these annually a portion of the principal.

I am also assured that the bonds do not find so ready a market as would be the case were the time of payment fixed at a more remote day. Capitalists do not desire to change their investments so often,

Some of these counties which have issued bonds are yet sparsely settled and could a few years hence raise a thousand dollars with more ease than a single dollar to-day.

The works of public improvement now going on will aid materially in the growth and prosperity of these counties, and from year to year add greatly to their wealth, population and developement. Would it not be better to allow the future inhabitants of these counties to aid in the payment of this indebtedness? The settlers of to-day are enduring the hardships and privations. Those to come after will reap the benefits, and enjoy the comforts attendant upon this system of improvement. It is but fair to ask of them assistance in bearing the burdens.

By thus amending the law, counties might be enabled without overtaxing themselves to afford even greater aid to public enterprises.

I would therefore recommend an amendment providing that no portion of principal of bonds issued under this law be paid within at least ten years from date of issue.

TENTH—To provide for relief in cases where counties have voted or levied taxes in pursuance of the act last above mentioned for the annual payment of a portion of the principal of bonds issued in pursuance of said act.

The amendment of the law as just recommended would suggest the propriety of affording relief in cases where taxes have been already levied. This would work no injury to the bond-holders as on the face of all bonds issued it is expressly stipulated that they are not due prior to the expiration of twenty years. Under the present system the redemption from year to year must be made by counties buying up such bonds as they may find in market at market prices. It is to relieve this necessity that I suggest this amendment.

ELEVENTH—To amend the act entitled "An act to amend Section 1, of an act entitled an act to provide for the publication of the decisions of the Supreme Court and for the payment of the Reporter," approved February 15th, 1869.

The compensation now provided for the Reporter of the Supreme Court is entirely inadequate.

I would earnestly recommend that an ample appropriation be made and that the Judges of the Supreme Court be authorized to report the decisions. The salary provided for them by the Constitution is entirely too small, and I see no other way by which to provide for its increase. I am assured that it is customary in some States to assign this duty to the Judges, and I would ask your careful consideration of this subject.

TWELFTH—To ratify and confirm a certain contract made by the Governor for the conveyance of certain lands to Isaac Cahn and John M. Evans, to aid in the developement of the Saline interests of the State.

Anxious to secure at as early a day as possible the developement of our Saline interests, I entered into a contract with Messrs. Cahn and Evans in August last, whereby they obligated themselves to at once commence the sinking of a well on land leased to them for that purpose, and to continue the sinking of the same to the depth of eight hundred feet unless brine of fifty degrees in strength should be sooner obtained, and to keep a perfect geological record of formations passed through in the prosecution of the work.

To aid them in this work I contracted, subjected to your approval, to deed them two sections of Saline lands belonging to the State.

Since that time they have steadily prosecuted the work, meeting however with very many obstacles. They have already expended twelve thousand dollars and it will cost them several thousands more to complete the work. The geological record provided for in this contract will prove invaluable in the sinking of future wells. I trust you will see the justice of this measure and cheerfully confirm my action in the matter.

It is of the highest importance that this interest be developed without delay, and I see no way whereby it can be done without State aid.

THIRTEENTH—To amend the act entitled "An act to incorporate cities of the first class, in the State of Nebraska," approved February 8th, 1869.

This law has been found defective in many important features.

Its defects will be pointed out to you by those most interested. I have alluded to it hoping it would receive proper attention at your hands.*

FOURTEENTH—To amend Chapter 53 Revised Statutes entitled "Towns."

It is held by good legal authority that towns incorporated under this chapter possess no power to enforce ordinances made by them, that arrest and imposition of fines under such ordinances are wholly unauthorized.

I recommend that it be so amended as to meet these wants.

FIFTEENTH—To make appropriations for necessary incidental expenses of State officers.

The appropriations made for this purpose at the last regular session have proved inadequate.

The business of the different offices has greatly increased since our admission as a State and appropriations which were formerly ample now entirely fail to meet the requirements.

Appropriations are also required for the necessary incidental and traveling expenses of the Superintendent of Public Instruction and for the furnishing of his office.

Also for furnishing offices of the Adjutant General and Attorney General.

I trust this matter may receive your careful attention.

SIXTEENTH—To provide for the transfer of State University funds.

There is no provision by which the funds of the University can be transferred to the Treasurer of the Board of Regents.

The University building will be completed before the next regular session of the Legislature and it is very desirable that the Regents have funds at their disposal. I recommend that a law be passed authorizing such transfer.

SEVENTEENTH—To amend the act fixing the time of holding District Court.

The Judges of the District Courts urge that this law be amended. As it now is, great inconvenience results, and the matter will be properly presented to you by those interested.

EIGHTEENTH—To make appropriations of the mileage and per diem of the members of the Legislature and the incidental expenses of the Session.

It will be necessary for you to provide ways and means for the payment of your mileage and per diem, and incidental expenses of the session.

NINETEENTH—To divide the State into Congressional Districts.

It is thought that the United States Census to be taken this year will show such an increase in our population as will entitle us to two Representatives in Congress. I earnestly hope this may be so. The amount of labor imposed upon our one member is very great, and representing such a widely scattered and rapidly increasing constituency, it is of course impossible for him at all times to do justice to all claiming his time and attention.

Trusting then that another year will find this labor divided I recommend the passage of a law making a division of the State into Congressional Districts.

TWENTIETH—To correct clerical errors made in enrolling and reporting the acts of last session.

Many clerical errors were committed during the last hours of the regular session by overworked clerks, some of such a character as to render the laws inoperative. I would recommend that a careful examination be made to the end that all errors may be corrected.

Such, gentlemen, are the special subjects of Legislation to which I have seen fit to direct your attention, and such are the reasons which have seemed to me to be sufficient to justify this extra call.

Turning our attention from matters of a local nature in which there is much that is calculated to give rise to the fondest anticipations, to matters of general and national interest I think I see nothing in the future of a character to darken the prospect. A universal and profound peace-prevails throughout the length and breadth of the land. Commerce, Agriculture and all the arts of life were never in a more flourishing condition. The national debt, that huge mountain which at first appeared to stand in the way like an impassable barrier to our onward march, is being rapidly lessened under the admirable policy of the present administration. And I think we may soon hope for such a reduction of national taxes as will ease the people of a great portion of this burden, its final payment at some distant period being insured. The high duties imposed upon imports have so far perhaps been justified as a revenue measure in a time of necessity. And though the free spirit of the West has borne this burden without murmur so long as it was thought necessary to the preservation of the national life, the time has now arrived when in my opinion it is no longer to be endured, and I think we may justly expect in this direction also, a proportionate reduction. The interests of eastern capitalists are undoubtedly entitled to respect. They are not however to be bolstered up and made strong by the sweat and toil of suffering millions who though not equally able to make themselves heard can when necessary cause themselves to be felt.

I have become thoroughly convinced that we have arrived at that stage in our progress as a nation, wherein special legislation for the support and protection of special interests is a curse to the people.

The system adopted by the National Government for the rapid development of the new States and Territories of the West by liberal land grants to aid in the construction of railroads has in the past proved remarkably

successful. I trust that the same policy may be continued, until every part of our vast domain shall be opened up to the settler. Nebraska is especially interested in the continuation of this policy.

In conclusion, gentlemen, allow me to express the hope that your sojourn in our young city may be of the most pleasant nature, that harmony may prevail in your respective bodies, that in all things we may act for the good of the State and that the blessings of a Divine Providence may ever attend us.

DAVID BUTLER.

No further business appearing before the Joint Convention, the President of the Senate declared the joint session adjourned without day.

The session of the Senate being resumed a message was received from the Governor, by Mr. Kellogg, his private secretary, as follows:

LINCOLN, February 17, 1870.

To the Honorable the President of the Senate:

I have the honor herewith to transmit for the consideration of the Senate a copy of an attested Resolution of Congress proposing an amendment to the Constitution of the United States.

DAVID BUTLER.

Mr. Frost, upon unanimous consent, introduced concurrent resolution ratifying "a Resolution proposing an amendment to the Constitution of the United States."

Resolution read first time.

Upon motion of Mr. Cunningham the rules were suspended, more than three-fourths of the members assenting thereto, Resolution read second and third times and put upon its passage.

The President put the question "shall the Resolution pass?" which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Cunningham, Daily, Fulton, Frost, Gere, Goodwell, Hathaway, Reed, Stevenson and Mr. President—11.

Those voting in the negative—Mr. Barnum—1.

So the Concurrent Resolution passed.

Message from the House by Mr. Walker their Chief Clerk:

Mr. President:

The House has passed Concurrent Resolution ratifying an Amendment to the Constitution of the United States.

Message from the House by Mr. Holbrook, Assistant Clerk :

HOUSE OF REPRESENTATIVES,
February, 17, 1870. }

Mr. President :

I am instructed to inform your honorable body that the House has passed Senate Resolution "Concurrent Resolution ratifying an Amendment to the Constitution of the United States," without amendment.

C. H. WALKER, Chief Clerk.

Mr. Gere from Committee on Engrossed and Enrolled Bills made the following report :

Mr. President :

Your Committee on Engrossed and Enrolled Bills beg leave to report that they have examined the Concurrent Resolution ratifying an amendment to the Constitution of the United States and find the same correctly enrolled.

C. H. GERE, Chairman.

Whereupon the President in open session signed "Concurrent Resolution ratifying a resolution proposing an Amendment to the Constitution of the United States."

On motion of Mr. Cunningham the Senate adjourned until to-morrow morning at ten o'clock.

FRIDAY, February 18, 1870.

Mr. Stevenson moved that the Senate proceed to the election of officers of Senate to fill vacancies.

Which motion was agreed to.

Mr. Stevenson nominated Hiram G. Brown for Assistant Secretary.

Those voting for Mr. Brown were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwell, Hathaway, Reed, Stevenson, and Mr. President--12.

Mr. Brown having received the whole number of votes was declared duly elected Assistant Secretary.

Mr. Cunningham nominated W. M. Summers Sergeant-at-Arms.

Those voting for Mr. Summers were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwell, Hathaway, Reed, Stevenson, and Mr. President—12.

Mr. Summers having received the whole number of votes cast was declared duly elected Sergeant-at-Arms.

Mr. Goodwell nominated Mr. M. H. Hathaway for Engrossing Clerk.

Those voting for Mr. Hathaway were, Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwell, Hathaway, Reed, Stevenson and Mr. President—12.

Mr. Hathaway having received the whole number of votes cast was declared duly elected Engrossing Clerk.

Mr. Gere nominated J. Alexander for Door Keeper.

Those voting for Mr. Alexander were, Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwell, Hathaway, Reed, Stevenson, and Mr. President—12.

Mr. Alexander having received the whole number of votes cast was declared duly elected Door Keeper.

Mr. Daily nominated J. H. Ames for Enrolling Clerk.

Mr. Goodwell nominated J. Jones, for Enrolling Clerk.

Those voting for Mr. Ames were, Messrs. Barnum, Cunningham, Daily, Fulton, Gere, Reed, and Mr. President—7.

Those voting for Mr. Jones were, Messrs. Ashton, Frost, Goodwell, Hathaway, and Stevenson—5.

Mr. Ames having received a majority of votes cast was declared duly elected Enrolling Clerk.

Mr. Fulton nominated Mathew Donague for Fireman.

Those voting for Mr. Donague were, Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwell, Hathaway, Reed, Stevenson, and Mr. President—12.

Mr. Donague having received the whole number of votes cast was declared duly elected Fireman.

Mr. Frost nominated Master Clarence Rhodes for Page.

Those voting for Master Rhodes were, Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Gere, Goodwell, Hathaway, Stevenson, and Mr. President—11.

Master Rhodes having received the whole number of votes cast was declared unanimously elected Page.

The officers elected then appeared, when the President of the Senate administered the oath of office as follows, which was severally subscribed by them.

STATE OF NEBRASKA, }
LANCASTER COUNTY, } ss.

We, and each of us do solemnly swear that we will support the Constitution of the United States, and the Constitution of the State of Nebraska, and faithfully discharge the duties of the office to which we were severally chosen, to the best of our ability, so help us God.

HIRAM G. BROWN.
W. M. SUMMERS.
M. H. HATHAWAY.
G. S. ALEXANDER.
JOHN H. AMES.
MATTHEW DONAGUE.
CLARENCE RHODES.

The President announced the following Standing Committees :

On the Judiciary.—Messrs. Stevenson, Fulton and Gere.

On the Finance Ways and Means.—Frost, Daily and Reed.

Education.—Gere, Goodwell and Cunningham.

Federal Relations.—Daily, Stevenson and Barnum.

Military Affairs.—Fulton, Hathaway and Gere.

Highway, Bridges and Ferrys.—Reed, Barnum and Hathaway.

Expenditures.—Ashton, Reed and Porter.

Incorporations.—Stevenson, Goodwell and Frost.

Public Buildings and State Library.—Goodwell, Reed and Porter.

Elections.—Hathaway, Daily and Frost.

Counties.—Barnum, Porter and Cunningham.

Printing.—Hathaway, Goodwell and Ashton.

Agriculture.—Cunningham, Reed and Barnum.

Public and State Lands.—Frost, Daily and Hathaway.

Enrolled and Engrossed Bills.—Gere, Hathaway and Stevenson.

Immigration.—Stevenson, Cunningham and Frost.

Mr. Fulton offered the following resolution, which was read, considered and agreed to.

Resolved, That the Secretary of State be authorized to furnish Stationery and Postage for use of members of the Senate.

Mr. Frost offered the following joint resolution :

Be it Resolved by the Senate and House of Representatives, That the present session of the Legislature adjourn *sine die* on the 25th day of February, A. D. 1870, current.

Read first time.

Mr. Cunningham moved to amend by striking out the words " 25th " in the 4th line and the word February in the resolution and inserting in lieu thereof the words " 1st of March," which amendment was adopted.

Upon motion of Mr. Frost, resolution as amended was laid upon the table and made special order for Tuesday next at eleven o'clock, A. M.

Mr. Cunningham offered the following Joint Resolution.

Joint Resolution providing for the distribution of 500 copies of 2d Annual Report of the State Board of Agriculture.

Resolution Read 1st time.

Upon motion of Mr. Cunningham, rules were suspended, more than three-fourths of the members assenting thereto.

Resolution read 2d and 3d times by its title and put upon its passage.

The President put the question, " shall the Joint Resolution pass?"

Which was decided in the affirmative.

Those voting in the affirmative were, Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwell, Hathaway, Reed, Stevenson and Mr. President—12.

None voting in the negative.

So the resolution passed.

Upon motion of Hathaway, Senate resolved itself into a Committee of the Whole House upon the Governor's Message, and after some time spent therein the President resumed the chair, and Mr. Hathaway from Committee of the Whole House submitted the following report:

Mr. President :

Your Committee of the Whole House having had under consideration the Governor's Message recommend the following references :

That the portion of the Message embraced in the second section, relating to the erection of public buildings be referred to the Committee on Public Buildings and State Library.

That section 3d of Message relating to issuing Cuming County Bonds be referred to Committee on the Judiciary.

That section 4 of Message be referred to the Committee on the Judiciary.

That Section 5 of the Message be referred to Committee on Expenditures.

That section 6 of the Message be referred to the Committee on Military Affairs.

That section 7 of the Message be referred to Committee on Immigration.

That section 8 of the Message be referred to the Committee on Federal Relations.

That section 9 of the Message be referred to the Committee on the Judiciary.

That section 10 of the Message be referred to the Committee on the Judiciary.

That section 11 of the Message be referred to the Committee on the Judiciary.

That section 12 of the Message be referred to the Committee on Public and State Lands.

That sections 13 and 14 of the Message be referred to the Committee on Incorporations.

That sections 15 and 16 of the Message be referred to Committee on Finance Ways and Means.

That section 17 of the Message be referred to the Committee on the Judiciary.

That section 18 of the Message be referred to the Committee on Expenditures.

That section 19 of the Message be referred to the Committee on Elections.

That section 20 of the Message be referred to the Committee on Enrolled and Engrossed Bills.

H. D. HATHAWAY, Chm'n.

Upon motion of Mr. Daily report of Committee of the Whole House was adopted.

Message from the House by Mr. Holbrook, Assistant Clerk :

Mr. President :

I am instructed to inform your honorable body that the House has passed bills of the following title to-wit :

"H. 8. An act to authorize the County Commissioners of Cuming county to issue bonds of said county to the amount of \$5,000, and levy a tax for the payment of interest and ultimate redemption of said bonds.

"H. 2. Resolution for the distribution of the State Board of Agriculture." In which it asks the concurrence of the Senate.

C. H. WALKER, Chief Clerk.

Mr. Daily upon unanimous consent introduced—

S. No. 1. An act to authorize the Governor to convey certain lands to Isaac Cahn and John Evans.

Bill read first and second times and referred to Committee on Public Lands.

Upon motion of Mr. Frost, Senate took recess until two o'clock P. M.

AFTER RECESS.

Mr. Stevenson from Committee on the Judiciary, upon leave submitted the following report :

Mr. President :

Your committee to whom was referred "H. 8, an act to authorize the County Commissioners of Cuming County to issue bonds of said county to the amount of \$5,000 and levy a tax for the payment of interest and ultimate redemption of said bonds," have had the same under consideration and recommend the passage of the bill without amendment.

Mr. Stevenson moved that the rules be suspended and "H. 8, an act to authorize the County Commissioners of Cuming county to issue bonds of said county to the amount of \$5,000 and levy a tax for the payment of interest and ultimate redemption of said bonds" be taken up.

More than three-fourths of the members assenting thereto, the bill was read third time and put upon its passage.

The President put the question "shall the bill pass?"

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Hathaway, Reed, Stevenson and Mr. President—11.

None voting in the negative.

So the bill passed.

Mr. Cunningham upon unanimous consent introduced the following resolution which was read, considered and adopted :

Resolved, That the Secretary of the Senate be authorized to furnish for the use of members one hundred copies of the "Daily Nebraska State Journal," and fifty printed lists of the Standing Committees of the Senate, provided that the cost of said daily papers shall not exceed the sum of eighteen dollars per week.

Mr. Frost moved that a committee be appointed to present standing rules for the government of the Senate.

Which motion was agreed to.

Messrs. Gere, Cunningham and Stevenson were appointed as such committee.

On motion of Mr. Hathaway Senate adjourned.

SATURDAY, February 19, 1870.

Mr. Stevenson upon unanimous leave introduced (S. No. 2) a bill for an act consenting that the United States purchase various tracts of land in the State of Nebraska and ceding jurisdiction over such land.

Bill read first time.

Upon unanimous consent rules were suspended, bill read second time by its title and ordered engrossed.

Mr. Ashton upon unanimous consent introduced S. No. 3, an act to provide for the location and erection of a Penitentiary in the State of Nebraska and to authorize the sale of lands heretofore granted to the State for the purpose of erecting a suitable building for a Penitentiary or State Prison.

Read first time.

Upon unanimous consent the rules were suspended, bill read second time by its title and referred to Committee on Public Buildings and State Library.

Mr. Gere from Committee on standing rules for the government of the Senate submitted the following report :

Mr. President :

Your special committee on standing rules herewith respectfully report standing rules for the government of the Senate and recommend their adoption.

Upon motion of Mr. Frost, Senate took a recess for twenty minutes.

AFTER RECESS.

Message from the House by Mr. Holbrook, Assistant Clerk:

Mr. President :

The House has passed H. 3 an act to correct a clerical error in reporting the passage of an act to protect cultivated lands from trespass by stock.

Also, H. 5 an act ceding jurisdiction of site of Barracks in Omaha.

Also, H. R. No. 6 an act ceding jurisdiction of Post Office site in Omaha, Nebraska.

• And the concurrence of the Senate is respectfully requested.

C. H. WALKER, *Chief Clerk.*

Upon unanimous consent H. R. No. 2 Joint Resolution for distribution of Report of State Board of Agriculture was taken up and read first time.

Mr. Daily introduced the following resolution which was read, considered and adopted :

Resolved, That the Secretary and Auditor of State be and are hereby requested to furnish this body with an estimate of the appropriations necessary to be made by this Legislature to defray the expenses of this extra session, other incidental State expenses and all other appropriations suggested by the Governor's Message.

Bills on first reading :

H. R. 3 an act to correct a clerical error in reporting the passage of an act to protect cultivated lands from trespass by stock.

Read first time.

Upon motion of Mr. Hathaway, rules were suspended, more than three-fourths of the members assenting thereto, bill read second time by its title and referred to Judiciary Committee.

H. 5 an act granting the consent of the State of Nebraska to the purchase or lease by the United States of certain lands for the purpose of the erection of a Military Barracks in Douglas county, Nebraska.

Read first time.

When upon motion of Mr. Daily, the rules were suspended, more than three-fourths of the members assenting thereto, bill read second time by its title and referred to the Committee on the Judiciary.

H. 6 an act granting the consent of the State of Nebraska to the United States for the purchase of certain lands for the purpose of the erection of a Post Office and Court House at Omaha.

Read first time.

Mr. Fulton moved that the Senate take recess until 2 o'clock P. M.

Mr. Gere moved to amend by substituting that the Senate adjourn until 10 o'clock to-morrow morning.

Not agreed to.

The question recurring upon the motion of Mr. Fulton to take recess until 2 o'clock P. M.

The motion was lost.

Upon motion of Mr. Daily, Senate took recess until 2 o'clock and 30 minutes.

AFTER RECESS.

Mr. Stevenson, from the Committee on the Judiciary, reported back H. 5, an act granting the consent of the State of Nebraska to the purchase or lease by the United States for certain lands for the purpose of the erection of a Military Barracks in Omaha, and recommended the passage of the bill with the following amendments:

"In the fifth line of the third section strike out the word 'command' and insert in lieu thereof the word 'criminal.'"

Amendment adopted.

Mr. Stevenson from Judiciary Committee, also reported back H. R. 6 an act granting the consent of the State of Nebraska to the purchase of certain lands by the United States for the purpose of the erection of a Post Office

and Court House in Omaha and recommend the passage of the bill with the following amendments :

“In the fourth line of the title after the word ‘Post Office’ insert the word ‘Court House.’ Also, in the fifth line of the title strike out the words ‘Legislative Assembly’ and insert in lieu thereof the word ‘Legislature;’ also, in the seventh line of third section strike out the word ‘command’ and insert in lieu thereof the word ‘criminal.’”

Amendments agreed to.

The President of the Senate presented the following communication from the Secretary of State :

SATURDAY, February 19, 1870.

To the Honorable the Senate :

I would respectfully inform your honorable body that I have made arrangements with the Post Master so that Senators and officers can frank their mail matter during the session by writing their names upon the wrappers.

Respectfully submitted,

T. P. KENNARD, *Secretary of State.*

Upon motion of Mr. Daily, the rules were suspended, more than three-fourths of the members assenting thereto, and H. 6, an act granting the consent of the State of Nebraska to the purchase by the United States of certain lands for the purpose of the erection of a Post Office and Court House in Omaha, with amendments, was taken up read third time and put upon its passage.

The President put the question, Shall the bill pass as amended ?

Which was decided in the affirmative.

Those voting in the affirmative were, Messrs. Cunningham, Daily, Fulton, Frost, Gere, Goodwill, Hathaway, Stevenson, and Mr. President—9.

None voting in the negative.

So the bill passed.

Upon motion of Mr. Stevenson, the rules were suspended, more than three-fourths of the members assenting thereto, and H. 5, an act granting the consent of the State of Nebraska to the purchase or lease by the United States of certain lands for the purpose of the erection of a Military Barracks in Omaha, as amended, was taken up read third time and put upon its passage.

The President put the question, Shall the bill pass as amended?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Cunningham, Daily, Fulton, Gere, Goodwill, Hathaway, Stevenson and Mr. President—9.

No one voting in the negative.

So the bill passed.

Mr. Gere from Committee on Engrossed and Enrolled Bills made the following report:

Mr. President :

Your Committee on Engrossed and Enrolled Bills report that they have examined S. B. No. 2, entitled an act consenting that the United States purchase various tracts of land in the State of Nebraska and ceding jurisdiction over such lands, and find it correctly engrossed.

C. H. GERE. *Chairman.*

Mr. Stevenson moved that the Secretary of the Senate be directed to make a requisition upon the House for H. 8, an act to authorize the County Commissioners of Cuming county to issue bonds to the amount of \$5,000 and levy a tax for the payment of interest and ultimate redemption of said bonds, for the purpose of re-consideration.

Which motion was agreed to.

Mr. Frost, upon unanimous consent, introduced S. 4, an act supplemental to an act entitled an act to establish the University of Nebraska, approved February 15, 1869.

Read first time.

Mr. Gere, upon unanimous consent, introduced S. 5, an act to amend section 6 of an act entitled an act to punish offenders against chastity, morality and decency, approved February 1st. 1869, and moved that rules be suspended, bill read first, second and third time by its title and put upon its passage.

Pending which motion the ayes and nays were demanded.

Those voting for a suspension of the rules were Messrs. Cunningham, Frost, Fulton, Gere, Hathaway, Reed and Mr. President—7.

Those voting against a suspension of the rules were Messrs. Ashton, Bar-num, Daley, Goodwill, Porter and Stevenson—6.

So the Senate refused to suspend the rules.

Mr. Ashton moved that the rules be suspended, bill be read second time by its title and referred to Judiciary Committee.

Which motion was agreed to.

Mr. Goodwill, from Committee on Public Buildings and State Library, reported back S. 3, an act to provide for the location and erection of a Penitentiary in the State of Nebraska and to authorize the sale of lands heretofore granted to the State for the purpose of erecting a suitable building for a Penitentiary or State Prison, with recommendation that bill be printed.

Bill ordered printed.

Mr. Stevenson, from Committee on the Judiciary, made the following report:

Mr. President:

Your Committee have had under consideration H. R. 3, an act to correct a clerical error in reporting the passage of an act entitled an act to protect cultivated lands from trespass by stock, and recommend the passage of the bill without amendment.

Upon motion of Mr. Frost, rules were suspended, more than three-fourths of the members assenting thereto, bill read third time by its title and put upon its passage.

The President put the question, shall the bill pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Barnum, Cunningham, Frost, Fulton, Gere, Goodwill, Hathaway, Porter, Stevenson and Mr. President—9.

Those voting in the negative were Messrs. Ashton, Daily and Reed—3.

So the bill passed.

Message from the House by Mr. Walker, chief clerk.

Mr. President:

The House has passed H. R. 7, an act to correct a clerical error in section 1 of an act entitled an act to amend section 531 of title 14 of the Code civil procedure.

In which I am directed to ask the concurrence of the Senate.

The House has passed joint resolution providing for the distribution of 500 copies of the second annual report of the State Board of Agriculture with amendment.

C. H. WALKER, *Chief Clerk.*

Upon motion of Mr. Frost, Senate adjourned until to-morrow at 10 o'clock A. M.

MONDAY, February 21, 1870.

Mr. Gere presented the petition of F. W. Meyer and numerous citizens of Lancaster county, praying that in case the Legislature organize a State Board of Immigration, at least one-third of such board be appointed from the German population.

Referred to Committee on Immigration.

Mr. Stevenson from Committee on the Judiciary reported back S. 5, an act to amend section 6 of an act entitled an act to punish offenders against chastity, morality and decency, approved February 15, 1869, with recommendation that bill be referred to Committee of the Whole House.

Upon motion of Mr. Stevenson, Senate went into Committee of the Whole House upon said bill, and after sometime spent therein the President resumed the chair and Mr. Stevenson from Committee of the Whole made the following report :

Your Committee of the Whole House have had under consideration S. 5 an act to amend section 6 of an act entitled an act to punish offenses against chastity, morality and decency, approved February 15, 1869, and recommend the passage of the bill without amendment.

Upon motion of Mr. Frost the rules were suspended by unanimous consent and bill read third time by its title and put upon its passage.

The President put the question shall the bill pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwell, Hathaway, Porter, Reed, Stevenson and Mr. President—13.

None voting in the negative.

So the bill passed.

Bills on first reading :

H. R. 7, an act to correct a clerical error of section 1 of an act entitled an act to amend section 531 title 14 of the Code of Civil Procedure.

On motion of Mr. Frost the rules were suspended by unanimous consent bill read second time by title and referred to Judiciary Committee.

Bills on second reading :

S. 4, an act supplemental to an act entitled an act to establish the University of Nebraska.

Read second time.

Mr. Frost moved that the bill be referred to the Judiciary Committee.

Mr. Cunningham moved to amend by ordering bill printed and referred to Judiciary Committee.

Pending which motion the ayes and nays were demanded.

The President put the question, shall the amendment prevail?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Barnum, Cunningham, Daily, Fulton, Gere, Goodwill, Hathaway, Porter, Reed, Stevenson and Mr. President—10.

Those voting in the negative were Messrs. Ashton, Frost and Stevenson--3.

So the amendment to the motion was agreed to.

The question recurring upon the motion to refer to the Judiciary Committee as amended, motion was agreed to.

Mr. Stevenson, upon unanimous consent, reported H. R. 7, an act to correct a clerical error of section 1 of an act entitled an act to amend section 531 title 14 of the Code of Civil Procedure.

Upon unanimous consent rules were suspended, bill read third time by its title and put upon its passage.

The President put the question, shall the bill pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwill, Hathaway, Porter, Reed, Stevenson, and Mr. President—13.

None voting in the negative.

So the bill passed.

Mr. Taylor, in pursuance of previous notice, introduced S. 6, an act to amend an act entitled an act to incorporate cities of the first class in the State of Nebraska, approved February 8th, 1869.

Upon unanimous consent rules were suspended, bill read first and second time by its title, and referred to Committee on Incorporations.

Mr. Gere, upon leave, introduced S. 7, an act to amend chapter 53 of the revised Statutes entitled towns.

Read first time.

Upon unanimous consent the rules were suspended, bill read second time by title and referred to Committee on the Judiciary.

Mr. Porter, upon leave, introduced S. R. 3, joint resolution relative to removing the Indians now on special reservations in Nebraska to new and joint reservations.

Read first time.

Upon unanimous consent rules were suspended, resolution read second and third times by title and put upon its passage.

The President put the question, shall the joint resolution pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Cunningham, Daily, Frost, Fulton, Gere, Goodwell, Hathaway, Porter, Reed, Stevenson and Mr. President--12.

Those voting in the negative—Mr. Barnum—1.

So the joint resolution passed.

Message from the House by Mr. Holbrook, Assistant Clerk.

Mr. President:

The House has considered the request of the Senate upon the return of H. R. 8, an act to authorize the Commissioners of Cuming county, to issue bonds of said county to the amount of \$5,000, and levy a tax for the payment of interest and ultimate redemption of said bonds, and has acceded thereto.

C. H. WALKER, *Chief Clerk.*

Upon motion of Mr. Stevenson Senate took a recess until 2 o'clock P. M.

AFTER RECESS.

Upon motion of Mr. Stevenson H. R. 8, an act to authorize the County Commissioners of Cuming county to issue bonds to the amount of \$5,000 and levy a tax for the payment of interest and ultimate redemption of the said bonds, returned from the House to the Senate for re-consideration, was taken up and by unanimous consent the rules were suspended and the vote by which said bill was passed was reconsidered.

Upon motion of Mr. Stevenson, the enacting clause of said bill was amended by striking out the words, "Legislative Assembly" and in inserting in lieu thereof the word, "Legislature."

The question then being upon the passage of the bill as amended,

The President put the question, shall the bill pass as amended?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Hathaway, Porter, Reed, Stevenson and Mr. President—11.

So the bill passed as amended.

Upon unanimous consent S. R. 1, joint resolution providing for the distribution of 500 copies of the second annual report of the State Board of Agriculture, was taken up and the House amendment thereto considered.

Pending which Mr. Barnum moved that a committee of two be appointed to wait upon the Secretary of State and ascertain the number of copies of the report of the State Board of Agriculture remaining in the hand of the Secretary.

Messrs. Barnum and Ashton were appointed such committee.

Mr. Barnum from Committee appointed to wait upon the Secretary of State and ascertain the number of copies of the report of the State Board of Agriculture, reported that "one thousand and forty-eight copies of said report yet remained in the hands of the Secretary of State.

Mr. Hathaway moved to amend the House amendment by striking out the words "fifteen hundred" and inserting in lieu thereof the words "one thousand."

Which was agreed to.

Mr. Fulton by unanimous leave introduced S. No. 8 an act to correct a clerical error in an act entitled an act to provide for the support of illegitimate children.

Read first time.

Upon unanimous consent the rules were suspended, bill read second and third times by its title and put upon its passage.

The President put the question shall the bill pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Hathaway, Porter, Reed and Mr. President—11.

None voting in the negative.

So the bill passed.

Upon motion of Mr. Hathaway, Senate went into Committee of the Whole House to consider bills upon their second reading.

After some time spent therein the President resumed the chair and Mr. Hathaway, from Committee of the Whole House, reported progress and asked leave for the committee to set again.

The President signed in open Senate H. R. 3, an act to correct a clerical error in reporting the passage of a bill to protect cultivated lands from trespass by stock.

Mr. Stevenson upon leave submitted the following resolution which was read, considered and adopted :

Resolved, By the Senate that the Commissioners of Public Buildings at Lincoln be requested to furnish a statement to the Senate of the amount of lots sold and the sum received for the same and the number of unsold lots remaining in Lincoln since the last session of the Legislature.

Message from the House by Mr. Walker, Chief Clerk:

Mr. President :

The House refuses to concur in the amendment proposed by the Senate to the House amendment S. R. 1, Joint Resolution providing for the distribution of 500 hundred copies of the Second Annual Report of the State Board of Agriculture.

Upon motion of Mr. Hathaway, Senate refused to recede from its amendment to the House amendment to said joint resolution.

Mr. Barnum moved that a committee of two be appointed as "managers" on the part of the Senate to confer with a like committee on the part of the House relative to the disagreeing votes of the two Houses.

Agreed to.

Mr. Barnum and Fulton were appointed as such committee on the part of the Senate.

Mr. Gere from Committee on Engrossed and Enrolled Bills made the following report :

Your Committee on Enrolled and Engrossed Bills report that they have this day presented to the Governor for his signature, H. 3, an act to correct a clerical error made in reporting the passage of an act for the protection of cultivated lands from trespass by stock.

C. H. GERE.

Message from the House by Mr. Walker, Chief Clerk :

Mr. President :

The House concurs in amendments of the Senate to bills of the following title :

H. R. 5, an act ceding jurisdiction of site for Barracks in Omaha.

H. R. 6, an act ceding jurisdiction of Post Office site in Omaha.

H. R. 8, an act to authorize the County Commissioners of Cuming county to issue bonds of said county to the amount of \$5,000 and levy a tax for the payment of interest and ultimate redemption of said bonds.

C. H. WALKER, *Chief Clerk.*

Upon motion of Mr. Frost, Senate adjourned until 10 o'clock to-morrow.

TUESDAY, February 22, 1870.

Mr Frost read from his seat the following resolution which was considered and adopted.

Resolved, That the Sergeant-at-arms be, and is hereby instructed to employ a man whose duty it shall be during the Session of the Legislature to assist in keeping the Hall of the Senate clean, and the approaches thereto, and who shall be paid a reasonable compensation for his services out of any money in the Treasury.

Message from the House, by Mr. Holbrook, Assistant Clerk :

Mr. President :

The House has passed bills of the following title, viz ;

H. R. 11, An act regulating the jurisdiction of Probate Courts in civil cases to provide for holding regular terms of said Courts, and to provide for the compensation of Probate Judges.

H. R. 12, Joint Resolution, returning thanks to the Major General Eugene A. Carr and his Fifth Cavalry Reg't, and Major North and his Pawnee Scouts, in which I am directed to ask the concurrence of the Senate.

C. H. WALKER, *Chief Clerk.*

Bills on first reading :

H. R. 12, Joint Resolution, returning thanks to Major General Eugene A. Carr and his regiment of cavalry, and Major North and his Pawnee Scouts.

Read first time.

Upon unanimous consent, rules were suspended, Resolution read second and third times by its title and put upon its passage.

The President put the question, shall the resolution pass?

Which was decided in the affirmative.

Those voting in the affirmative, were Messrs Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Hathaway, Porter, Reed, Stevenson and Mr. President—12.

None voting in the negative.

So the Resolution passed.

Substitute to the H. R. 11, An act regulating the jurisdiction of Probate Courts in civil cases, to provide for holding regular terms of said Courts, and to provide for the compensation of Probate Judges.

Read first time.

Upon unanimous consent, rules were suspended, bill read second time by its title, and referred to the Judiciary Committee.

The President signed in open Senate H. R. 8, An act to authorize the County Commissioners of Cuming County to issue bonds to the amount of \$5,000, and levy a tax for the payment of interest and the ultimate redemption of said Bonds.

Mr. Gere from committee on engrossed and enrolled bills made the following report :

Mr. President:

Your joint committee on engrossed and enrolled bills, report that they have this day presented to the Governor for his signature an act entitled an act to authorize the County Commissioners of Cuming County to issue bonds of said county to the amount of \$5,000 and levy a tax for the payment of interest and ultimate redemption of said bonds.

C. H. GERE, *Chairman.*

Message from the House by Mr. Walker, Chief Clerk :

Mr. President:

The House has passed a bill of the Senate of the following title : S. 3, joint resolution relative to removing the Indians now on reservations to new

and joint reservation, with amendment, in which I am directed to ask the concurrence of the Senate. Also, the House has appointed Messrs. Loveland, Church and Fritchie as conferees on the part of the House on the disagreeing votes of the two Houses to the bill S. R. 1, joint resolution providing for the distribution of 500 copies of the Second Annual Report of the State Board of Agriculture.

C. H. WALKER, *Chief Clerk.*

The hour having arrived, the Senate took from the table for consideration the joint resolution relative to adjournment.

Upon motion of Mr. Cunningham the resolution was laid upon the table and made special order for Thursday, 24th inst., at 11 o'clock A. M.

Upon motion of Mr. Reed, Senate went into Committee of the Whole House to resume the consideration of S. 3, an act to provide for the location and erection of a Penitentiary in the State of Nebraska.

And after some time spent therein the President resumed the chair and Mr. Reed from Committee of the Whole House reported progress and asked leave to sit again. Leave granted.

Mr. Barnum from Committee of Managers on the part of the Senate reported that the House concurs in Senate amendment to S. R. 1, joint resolution providing for the distribution of 500 copies of Second Annual Report of the State Board of Agriculture.

Upon motion of Mr. Frost, Senate adjourned until 10 o'clock to-morrow.

WEDNESDAY, February 23, 1870.

Mr. Goodwill presented the petitions of J. T. Davis and others of Washington county praying for the extension of the jurisdiction of Probate Judges.

Referred to the Judiciary.

Message from the House by Mr. Walker, Chief Clerk.

Mr. President:

The House has passed S. 8, an act to correct a clerical error in section 1 of an act entitled an act to provide for the support of illegitimate children, without amendment.

The House has passed H. R. 14, an act to correct clerical errors in sections 29, 33, 46, 50, 52, 58, 73, 74 and 78 of an act entitled an act to establish a system of public instruction for the State of Nebraska.

In which I am directed to ask the concurrence of the Senate.

Also the House has adopted the report of the Committee of Conferees on the disagreeing votes of the Houses relative to S. R. 1, joint resolution providing for the distribution of five hundred copies of the second annual report of the State Board of Agriculture.

C. H. WALKER, *Chief Clerk.*

Mr. Stevenson, from Committee on the Judiciary, reported back a substitute to H. R. 11, an act regulating the jurisdiction of Probate Courts, etc., with recommendation that bill be referred to Committee of the whole House.

So referred.

Bills on first reading.

H. R. 14 (substitute) a bill to correct clerical errors in sections 29, 33, 46, 50, 52, 58, 73, 74 and 78 of an act entitled an act to establish a system of public instruction for the State of Nebraska, approved February 15th, 1869.

Read first time.

Upon unanimous consent rules were suspended, bill read second time by its title and referred to Committee of the whole House.

Mr. Frost, upon unanimous consent, introduced S. 9, an act to provide means for the support of the State government and to redeem the outstanding matured bonds of the Territory of Nebraska.

Read first time.

Upon unanimous consent rules were suspended, bill read second time by its title and referred to Committee of the whole House and made special order for this afternoon at two o'clock.

The President signed, in open Senate, H. R. 5, an act entitled an act granting the consent of the State of Nebraska to the purchase or lease, by the United States, of certain lands for the erection of a military post or barracks in Douglas county, Nebraska.

Mr. Hathaway, by unanimous leave, introduced S. 10, a bill for an act to provide for the election of an additional Congressman.

Read first time.

Upon unanimous consent the rules were suspended, bill read second time by its title and referred to Committee of the whole House.

By unanimous consent of Senate H. R. 3, joint resolution relative to removing the Indians now on special reservations in Nebraska, to new and joint reservations, was taken up as reported back from the House and House amendment thereto considered.

The question being, shall the Senate concur in the House amendment to the resolution?

The President put the question, which was decided in the negative.

Those voting in the affirmative were Messrs. Cunningham, Daily, Fulton, Porter and Reed—5.

Those voting in the negative were Messrs. Ashton, Barnum, Frost, Gere, Goodwill, Hathaway, Stevenson and Mr. President—8.

So the Senate refused to concur in the House amendment to the resolution.

The President signed, in open Senate, H. R. 12, joint resolution returning thanks to Major General Eugene A. Carr and his regiment, 5th cavalry, and to Major North and his Pawnee scouts.

Mr. Gere, from Committee on Engrossed and Enrolled Bills, made the following report.

Your Committee on Engrossed and Enrolled Bills report that they have this day presented to the Governor, for his signature, an act entitled an act granting consent of the State of Nebraska to the purchase or lease, by the United States, of certain lands for the purpose of the erection of a military post or barracks in Douglas county, Nebraska.

C. H. GERE. *Chairman.*

Upon motion of Mr. Fulton, Senate took a recess until two o'clock P. M.

AFTER RECESS.

The President signed, in open Senate, H. 6, an act granting the consent of the State of Nebraska to the United States to the purchase of certain lands for a post office and Court house site in Omaha.

Message from the House by Mr. Holbrook, Assistant Clerk:

The House has passed a bill of the following title, to wit: H. R. 17, joint resolution instructing the State Auditor to require the contractor to

fulfill his contract by furnishing desks before the next session of the Legislature.

In which I am directed to ask the concurrence of the Senate.

The House has passed a bill of the Senate of the following title: S. 5, an act to amend section 6 of an act entitled an act to punish offenders against chastity, morality and decency, approved February 15th, 1869.

Without amendment.

C. H. WALKER, *Chief Clerk*.

Upon unanimous consent, H. R. 17, joint resolution instructing the Auditor to require the contractor to fulfill his contract by furnishing desks before the next session of the Legislature, was taken up and read first time.

Upon unanimous consent rules were suspended, resolution read second time by title and referred to Committee on Expenditures.

Mr. Stevenson, upon leave, reported from the Committee on Immigration by bill as follows:

S. 11, an act to encourage immigration and to appoint a Commissioner of Immigration for Nebraska.

Read first time.

Upon unanimous consent rules were suspended, bill read second time by title, ordered printed and referred to Committee of the whole House.

Mr. Hathaway, by unanimous leave, introduced S. R. 4, relative to a postal telegraph.

Read first time.

Upon unanimous consent rules were suspended, resolution read second and third times by title and put upon its passage.

The President put the question, shall the resolution pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwill, Hathaway, Porter, Reed, Stevenson and Mr. President—13.

None voting in the negative.

So the resolution passed.

Upon motion of Mr. Porter, Senate went into Committee of the whole House and resumed the consideration of S. 3, an act to provide for the erection and location of a Penitentiary for the State of Nebraska, &c.

After sometime spent therein the President resumed the chair and Mr. Fulton, from Committee of the whole House, reported progress and asked leave for the committee to sit again.

Leave granted.

Mr. Gere, from Committee on Engrossed and Enrolled Bills, made the following report:

Mr. President:

Your Committee on Engrossed and Enrolled Bills report that they have examined S. 8, an act to correct a clerical error in section 1 of an act to provide for the support of illegitimate children; also, S. R. 1, joint resolution providing for the distribution of 1,000 copies of the second annual report of the State Board of Agriculture, and find them correctly enrolled.

C. H. GERE, *Chairman.*

The President signed, in open Senate, S. 8, an act to correct a clerical error in section 1 of an act entitled an act to provide for the support of illegitimate children.

Also S. R. 1, joint resolution providing for the distribution of 1,000 copies of the second annual report of the State Board of Agriculture.

Upon motion of Mr. Daily the Senate took a recess until 4 o'clock P. M.

AFTER RECESS.

Mr. Gere from Committee on Engrossed and Enrolled Bills made the following report:

Mr. President:

Your Committee on Enrolled and Engrossed Bills report that they have this day presented to the Governor for his signature joint resolution returning thanks to Major General Carr and his Fifth Cavalry Regiment and to Major North and his Pawnee Scouts.

Also an act entitled an act granting the consent of the State of Nebraska to the purchase by the United States of certain lands for the erection of a Post-office and Court House in Omaha.

C. H. GERE, *Chairman.*

Upon motion of Mr. Fulton, Senate went into Committee of the Whole House and resumed the consideration of S. 3, an act to provide for the location and erection of a Penitentiary in the State of Nebraska, &c.

After some time spent therein, the President resumed the Chair and Mr. Fulton from Committee of the Whole House reported progress, and asked leave to set again. Leave granted. *

Mr. Frost, upon leave, introduced the following resolution which was received, considered and adopted :

Resolved, That the committee on finance ways and means be instructed to include in the appropriation bill the sum of thirty dollars due to Chauncy Wiltse for services rendered to the State in executing certain maps showing the location of a portion of the lands known as the internal improvement lands.

Upon motion of Mr. Daily, the Senate resolved itself into a Committee of the Whole House.

And after some time spent therein the President resumed the Chair, and Mr. Fulton from Committee of the Whole House made the following report :

Your Committee of the Whole House have had under consideration the following bills, viz :

(Substitute) to H. 11, an act regulating the jurisdiction of Probate Courts in civil cases, to provide for holding regular terms of said Courts, and to provide for the compensation of Probate Judges, and recommend that bill be referred back to Judiciary Committee.

Also, S. 10, an act to provide for the election of an additional Congressman, and recommend that the bill do pass.

Also, S. 9, an act to provide means for the support of the State Government and to redeem the outstanding matured bonds of the Territory of Nebraska, and recommend that the bill be referred to the Committee on Judiciary.

Which report of the Committee of the Whole House was adopted.

S. 10, an act to provide for the election of an additional Congressman.

Read third time.

The President put the question :

Shall the bill pass ?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Cunningham, Frost, Fulton, Gere, Goodwill, Hathaway, Porter, Reed, Stevenson and Mr. President—11.

Those voting in the negative were Mr. Barnum—1.

So the bill passed.

Upon motion of Mr. Frost the Senate adjourned until 10 o'clock to-morrow.

THURSDAY, February 24, 1870.

Mr. Frost from Committee on Public Lands, reported back S 1, An Act to authorize the Governor to convey certain lands to Isaac Cohn and John M. Evans, without recommendation.

Upon motion of Mr. Stevenson said bill was referred to Committee of the Whole House.

Mr. Ashton from Committee on Expenditures reported back H. R. 17 Joint Resolution instructing the Auditor to require the Contractor to fulfill his contract by furnishing desks before the next session of the Legislature, with the following amendment by adding to the 6th line of the resolution the words, "without additional expense to the State."

Which amendment was adopted.

Mr. Stevenson from Judiciary Committee reported back (Substitute) H. 11, An Act regulating the jurisdiction of Probate Judges in Civil Cases, and to provide for holding regular terms of said, and to provide for the compensation of Probate Judges.

With the following amendment:

Strike out of Section 1 after the word "that" in the 16th line of said section the words: "Said Probate Judges shall not have jurisdiction in any matter wherein the title or boundaries of any lands may be in dispute, or have power to order or decree the sale or portition of real estate," and insert the words, "Said Court shall not have jurisdiction in any action for malicious prosecution in actions against officers for misconduct in office, except where like proceedings can be had before Justices of the Peace in actions for slander or libel, in actions on contract for real estate, in any matter where the title or boundaries of land may be in dispute, or to order or decree the sale or portition of real estate," in lieu thereof.

Also, and "Section 11" to said bill as follows: "This Act shall take effect and be in force from and after its passage."

Which amendments were adopted.

The President signed in open Senate H. 11, An Act to correct a clerical error of section 1 of An Act entitled an An Act to amend Section 531 of Title 14, of Code of Civil Procedure.

Mr. Stevenson from Judiciary Committee reported back S. 7, "An Act to amend Chapter 53 of the Revised Statutes, entitled towns," and recommend that bill be referred to Committee of the Whole House.

Bill so referred.

Mr. Reed, upon unanimous consent, offered S. R. 5, "A Joint Resolution providing for the appointment of a committee to investigate the official acts and doings of the State Commissioners of Public Buildings and Lands."

Read first time.

Upon motion of Mr. Daily, and by unanimous consent of Senate, the rules were suspended, resolution read second time by its title, and referred to Committee of the Whole House, and made special order for this afternoon at 3 o'clock, P. M.

Upon leave, Mr. Frost introduced S. 12, an act to amend section 1 of an act entitled an act to amend section 1 of an an act entitled an act to provide for the publications of the Supreme Court and for the payment of the reporter.

Read first time.

Upon unanimous consent rules were suspended, bill read second time by its title and referred to Committee on the Judiciary.

Mr. Gere from Committee on Engrossed and Enrolled Bills made the following report:

Your Committee on Engrossed and Enrolled Bills report that they have examined an act entitled an act to amend section 6 of an act entitled an act to punish offenders against chastity, morality and decency, and find it correctly enrolled.

Also, that we have this day presented to the Governor for his signature an act entitled an act to correct a clerical error in section 1 of an act to provide for the support of illegitimate children.

Also, a Joint Resolution authorizing the Secretary of State to deliver to the members of the Legislature one thousand copies of the second annual report of the State Board of Agriculture for distribution by the members.

Also, an act to correct a clerical error of section 1 of an act entitled an act to amend section 531 of title 14, of code of civil procedure.

C. H. GERE, Chm'n.

Message from the House by Mr. Walker, Chief Clerk.

Mr. President :

The House has passed H. 9, an act to authorize the Secretary of State to remove from the files of his office an act entitled an act declaring section lines to be public roads in certain counties in the State of Nebraska.

Also, H. R. 20, Joint Resolution in which I am directed to ask the concurrence of the Senate.

The House has appointed Messrs. Church, Pattison and Griffin a committee of conference on the disagreeing votes on S. R. 3, Joint Resolution relative to removing the Indians now on special reservations in Nebraska to new and joint reservations.

C. H. WALKER, Chief Clerk.

The President signed in open Senate S. 5, an act entitled an act to amend section 6 of an act entitled an act to punish offenders against chastity, morality and decency.

Mr. Stevenson from Judiciary Committee reported back S. 6, an act entitled an act to incorporate cities of the first class, approved February 8, 1869, without amendment and recommend that the bill do pass.

Upon unanimous consent the rules were suspended, the bill read third time by its title.

The President put the question, shall the bill pass?

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwill, Hathaway, Porter, Reed, Stevenson and Mr. President—13.

None voting in the negative.

To the bill passed.

The hour having arrived for the consideration of joint resolution relative to adjournment, Mr. Cunningham moved that the resolution be indefinitely postponed.

Which motion was not agreed to.

Upon motion of Mr. Cunningham, resolution was made special order for to-morrow at eleven o'clock A. M.

Upon motion of Mr. Hathaway, Senate resolved itself into Committee of the Whole, and after sometime spent therein the President resumed the chair and Mr. Hathaway, from Committee of the whole House, made the following report:

Mr. President:

The Committee of the whole House have had under consideration S. 3, an act to provide for the location of a Penitentiary in the State of Nebraska, and recommend that bill be referred to Committee of the whole House for further consideration.

Also S. 1, an act to authorize the Governor to convey certain lands to Isaac Cahn and John M. Evans, and recommend that the bill be indefinitely postponed.

Which report was adopted.

Upon motion of Mr. Stevenson, the Senate took a recess until three o'clock P. M.

AFTER RECESS.

Message from the Governor by Mr. Kellogg, his private Secretary :

FEBRUARY 24, 1870.

Mr. President:

I am directed by his Excellency, the Governor, to inform your honorable body that he has this day approved and signed the following entitled acts, viz :

An act to correct a clerical error in section 1 of an act to provide for the support of illegitimate children.

An act to amend section 6 of an act entitled an act to punish offenders against chastity, morality and decency, approved February 15th, 1869.

Joint resolution authorizing the Secretary of State to furnish members of the Senate and House of Representatives with 1,000 copies of the second annual report of the State Board of Agriculture.

A. W. KELLOGG, *Private Secretary.*

The hour having arrived for taking under consideration S. 11, an act to encourage immigration and to appoint a Commissioner of Immigration for Nebraska, in Committee of the whole House.

Upon motion of Mr. Cunningham the vote by which the Senate resolved to consider this bill in Committee of the whole House at two o'clock P. M., was reconsidered and bill made special order for two o'clock P. M. to-morrow in Committee of the Whole House.

Upon motion of Mr. Cunningham, Senate resolved itself into Committee of the Whole House upon bills on their first reading, and after some time spent thus, the President resumed the Chair, and Mr. Cunningham from Committee of Whole House made the following report.

Your committee have had under consideration H. 11, an act regulating the jurisdiction of Probate Judges in civil cases, to provide for holding reg-

ular terms of said Court, and to provide for the compensation of Probate Judges, and recommend that the bill do pass

Also S. 7, an act to amend section 53 of the revised Statutes entitled "Towns," and recommend that the bill do pass.

Also S. R. 6, joint resolution providing for the appointment of a committee to investigate the official acts of the State Commissioners of public buildings, and recommend that the resolution pass.

Upon motion of Mr. Cunningham, the report of the Committee of the Whole House be adopted.

The ayes and nays being demanded the President put the question:

Shall the report be adopted?

Those voting in the affirmative were Messrs. Barnum, Cunningham, Daily, Fulton, Goodwill, Hathaway, Porter, Reed and Mr. Stevenson—9.

Those voting in the negative, were Messrs. Ashton, Frost, Gere and the President—4.

Mr. Cunningham moved that the rules be suspended and S. R. 6, joint resolution be read third time by its title and put upon its passage.

The yeas and nays being demanded, the President put the question.

Shall the rules be so suspended?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwill, Hathaway, Porter, Reed, Stevenson and the President—12.

Those voting in the negative were Mr. Gere—1

The President put the question, shall the resolution pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Barnum, Cunningham, Daily, Fulton, Goodwill, Hathaway, Porter, Reed and Mr. President—9:

Those voting in the negative were Messrs. Ashton, Frost, Gere and Mr. President—4.

So the resolution passed.

Upon motion of Mr. Daily, Senate adjourned until 9 o'clock A. M. to-morrow.

FRIDAY, February 25, 1870.

Mr. Stevenson from Judiciary Committee reported back S. 9, an act to provide means for the support of the State Government and to redeem the outstanding matured bonds of the State of Nebraska, with recommendation that bill be referred to Committee of Whole House.

S. 7, an act to amend section 3, of Revised Statutes of Nebraska, entitled towns.

Was read third time.

The President put the question, shall the bill pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Cunningham, Daily, Fulton, Gere, Hathaway, Porter, Reed, Stevenson and Mr. President—10.

Those voting in the negative were Mr. Barnum—1.

So the Bill passed.

(Substitute) to H. 11, an act regluating the jurisdiction of Probate Courts in civil cases, to provide for holding regular terms of said courts and to provide for the compensation of the Probate Judges.

Read the third time.

The President put the question, shall the bill pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton Barnum, Cunningham, Daily, Fulton, Gere, Hathaway, Porter, Reed, Stevenson and Mr. President—11.

None voting in the negative.

So the bill passed.

Bills on first reading :

H. 9, an act to authorize the Secretary of State to remove from the files in his office an act entitled an act declaring section lines to be public roads in certain counties in Nebraska.

Read first time.

Upon motion of Mr. Daily, the rules were suspended, more than three-fourths of the members assenting thereto.

Bill read second time by its title and referred to Committee of Whole House.

H. R. 20, Joint Resolution praying for protection from Indian depredations on the frontier of Jefferson county.

Read first time.

Upon unanimous consent, rules were suspended, resolution read second and third times by its title and put upon its passage.

The President put the question, shall the resolution pass?

Which was decided in the affirmative.

Those voting in the affirmative were, Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwell, Hathaway, Porter, Reed, Stevenson and Mr. President—13.

None voting in the negative.

So the resolution passed.

S. R. 3, Joint Resolution relative to removing the Indians now on special reservations in Nebraska to new and joint reservations was taken up and Messrs. Hathaway and Barnum were appointed managers on the part of the Senate to confer with a like committee appointed by the House in regard to the disagreeing votes of the two houses upon the House amendment to the bill.

Upon motion of Mr. Hathaway Senate went into Committee of the Whole House upon bills on their second reading.

After some time spent therein, the President resumed the chair and Mr. Hathaway made the following report :

Your Committee of the Whole House had under consideration H. R. 14, an act to correct clerical errors in sections 29, 33, 46, 50, 52, 58, 74 and 78, of an act entitled an act to establish a system of public instruction for the State of Nebraska, approved February 15, 1869, and recommend that the following amendment, to-wit: after the words "were made," insert "by the Enrolling Clerk."

Also, H. R. 9, an act to authorize the Secretary of State to remove from the files in his office an act entitled an act declaring section lines to be public roads in certain counties in Nebraska, and recommend that the bill do pass with the following amendment in the Preamble after the word "postponed" insert the words "by the House of Representatives" as appears on page 328, of the House of Representatives.

Also, S. 11 an act to encourage immigration and to appoint a Commissioner of Immigration for Nebraska, upon which bill committee report progress and asks leave to sit again.

Report of Committee of the Whole House adopted.

The hour having arrived for the consideration of the joint resolution relative to adjournment. Upon motion of Mr. Frost the further consideration of the resolution was postponed until to-morrow at 11 o'clock A. M.

Upon motion of Mr. Gere, Senate took recess until 2 o'clock P. M.

AFTER RECESS.

Message from the Governor by Mr. Kellogg, his Private Secretary:

To the Honorable the President of the Senate:

Without claiming other or greater virtues than are usually possessed by men in general, I yet believe that where ever my personal interest and those of our noble State should conflict I would sacrifice the former to the advancement of the latter.

When the matter of the investigation of the action of the Board of Commissioners of Public Buildings, &c., was first mooted, believing as I yet believe that the best and material interests of the State would not be promoted thereby, such investigation met with my earnest opposition. I felt that the call was a blow aimed at me not only in my official character, but as a man and a citizen, emanating from a personal opponent, based upon floating and uncertain rumor—its inception based upon a desire to insult and debase me by giving prominence and substantiality to the veriest gossip. It is not a matter of surprise that smarting under the base attack I should repel it. I felt that the mere call was therefore insulting in the extreme and I rejoiced when the House of Representatives placed its condemnation upon it. Now, however, from fair and unbiased men comes another and further call for investigation. While I fear that the vast interests of the State may suffer by the delay in their progress incident to such action, yet that this reproach upon the Commissioners, the chief officers of the State, and the foul stain upon the Commonwealth may be removed, I now ask that the investigation, fair, full and ample, may proceed as speedily as practicable, that the advancement of the public buildings and the pecuniary interests of the State may not suffer.

I earnestly desire that her honor may be saved and that from her escutcheon may be wiped the breath of the charge of shameful corruption and dishonesty at the hands of her officers. That in the disposition of the public

lands of the State and in the erection of public edifices the Commission has exceeded the power granted to it under the law it does not deny. It stands ready to show at the proper time that in assuming the ever dangerous responsibility the emergency required it, and the best interests of the State were advanced by it. In every act, whether authorized or unauthorized, the Commission had an eye single to the public good, and I honestly and sincerely believe that for it to have taken any other action than it did would have called down and justified the censure of the public.

I ask that under all the circumstances a full hearing may be given by the Committee soon, I hope, to be appointed by your honorable body. That it may be given full and ample time to make a report, and that such report may be published and issued to the world. Calling upon the Searcher of all hearts to witness that while I may have made mistakes they have grown out of an earnest desire to accomplish the right.

I wait the opportunity to vindicate my assailed honor and relieve the State from the burden of the faintest belief in the truth of the assailants.

DAVID BUTLER.

Upon motion of Mr. Hathaway Senate resolved itself into Committee of the Whole House and after some time spent therein the President resumed the chair and Mr. Hathaway, from Committee of the Whole, made the following report:

Your Committee have had under consideration S. 11, an act to encourage immigration and to appoint a Commissioner on Immigration in Nebraska, and recommend that the bill be referred back to the Committee on Expenditures.

Also S. 9, an act to provide means for the support of the State government and to redeem the outstanding matured bonds of the Territory of Nebraska, and recommend that the bill be referred to Committee on Finance Ways and Means.

Report of Committee of Whole House adopted.

H. 14, an act to correct clerical errors in sections 29, 33, 46, 50, 52, 58, 73, 74, 78, of an act entitled an act to establish a system of public instruction in the State of Nebraska, approved February 15, 1869.

Was read third time.

The President put the question, Shall the the bill pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Cunningham, Daily, Frost, Fulton, Gere, Goodwill, Hathaway, Porter, Reed, Stevenson and Mr. President—12.

None voting in the negative the bill passed.

H. 9, an act to authorize the Secretary of State to move from the files in his office an act entitled an act declaring section lines to be public roads in certain counties in the State of Nebraska.

Read third time.

The President put the question, Shall the bill pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Cunningham, Daily, Frost, Fulton, Gere, Goodwill, Hathaway, Porter, Reed, Stevenson and Mr. President—12.

No one voting in the negative so the bill passed.

Mr. Gere from Committee on Engrossed and Enrolled bills submitted the following report :

Your committee have examined joint resolution relative to a postal telegraph, and find it correctly enrolled.

C. H. GERE, *Chairman.*

Message from the House by Mr. Walker, Chief Clerk :

Mr. President :

The House has concurred in the amendmendment proposed by the Senate H. R. 17, joint resolution instructing the Auditor to require the contractor to fulfill his contract by furnishing desks before the next session of the Legislature.

The House has passed S. R. 4, joint resolution for postal telegraph, without amenement.

C. H. WALKER, *Chief Clerk.*

The President signed in open Senate S. R. 4, joint resolution relative to a postal telegraph.

On motion of Mr. Frost, Senate adjourned until 10 o'clock A. M. to-morrow.

SATURDAY, February 26, 1870.

Message from the House by Mr. Walker, Chief Clerk:

Mr. President:

The House has passed S. R. 6, joint resolution providing for the appointment of a committee to investigate the official acts and doings of the State Commissioners of Public Buildings and Lands, without amendment, and have appointed Messrs. Church, Brewster and Hunt a Committee on the part of the House for such purpose.

C. H. WALKER, *Chief Clerk.*

Upon motion of Mr. Hathaway, Senate proceeded to the election of a committee on the part of the Senate in compliance with such joint resolution passed by the two Houses.

Messrs. Stevenson and Fulton were placed in nomination and were unanimously chosen as such Committee on the part of the Senate.

Mr. Stevenson, from Committee on the Judiciary, reported back S. 4, an act supplemental to an act entitled an act to establish the University of Nebraska, approved February 15th, 1869, with recommendation that bill be considered in Committee of Whole House.

Bill so referred.

Upon motion of Mr. Stevenson Senate resolved itself into Committee of Whole House upon bills on their second reading, and after some time spent therein the President resumed the chair, and Mr. Stevenson from Committee of the Whole House submitted the following report:

Your Committee have had under consideration S. 4, an act supplemental to an act to locate the University of Nebraska, approved February 15th, 1869, with the following amendments:

In the 6th line of section 22 strike out the word "this" and insert in lieu thereof the word "the." Also insert after the "act" in the same line, the words "to which this act is supplementary." Also after the word "board" in the last line of the same section, insert the following words, "provided no moneys belonging to the regular fund shall be applied to the construction of the University building."

Which amendments were severally adopted.

Upon which the bill was read third time and put upon its passage.

The President put the question, shall the bill pass ?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwill, Hathaway, Porter, Reed, Stevenson and Mr. President—13.

None voting in the negative.

So the bill passed.

Message from the House by Mr. Walker. Chief Clerk :

Mr. President:

The House has passed S. 6, an act to amend an act entitled an act to incorporate cities of the first class in the State of Nebraska, approved February 8, 1869, with amendments.

In which I am directed to ask the concurrence of the Senate.

C. H. WALKER, *Chief Clerk.*

Message from the Governor by his private Secretary, Mr. Kellogg :

The President of the Senate:

I am directed by his Excellency the Governor, to inform your honorable body that he has this day approved and signed the following act :

Joint resolution relative to a postal telegraph.

A. W. KELLOGG, *Private Secretary.*

Message from the House by Mr. Walker, Chief Clerk :

Mr. President:

The House has concurred in the amendments proposed by the Senate to bills of the following titles, viz :

H. 11, an act regulating the jurisdiction of Probate Courts, &c.

H. 14, an act to correct clerical errors in sections 29, 33, 46, 50, 52, 58, 73, 74 and 78 of an act entitled an act to establish a system of public instruction for the State of Nebraska, approved February 15, 1869.

H. 9, an act to authorize the Secretary of State to remove from the files in his office an act entitled an act declaring section lines to be public roads in certain counties in the State of Nebraska.

C. H. WALKER, *Chief Clerk.*

Mr. Taylor read from his seat and offered joint resolution S. R. 7, joint resolution authorizing Committee of Investigation to extend their investigation beyond the present session of the Legislature.

Read first time.

Upon unanimous consent rules were suspended, resolution read second time by its title and referred to Committee of the Whole House.

Mr. Frost from Finance Ways and Means reported back S. 9, an act to provide means for the support of the State government and to redeem the outstanding matured bonds of the Territory of Nebraska, and recommended the passage of the bill without amendment.

Upon motion of Mr. Stevenson the bill was referred back to the Committee of the Whole House for further consideration.

Mr. Gere from Committee on Engrossed and Enrolled Bills made the following report:

Your Committee have examined joint resolution providing for appointment of committee to investigate the official acts and doings of State Commissioners, &c., and find it correctly enrolled.

C. H. GERE, *Chairman*.

Upon motion of Mr. Cunningham leave of absence was granted to Mr. Porter until Tuesday, 29th inst., at 10 o'clock A. M.

Upon motion of Mr. Stevenson, Senate took a recess until 2 o'clock P. M.

AFTER RECESS.

Upon unanimous consent S. 6, an act to amend an act entitled an act to incorporate cities of the first class in Nebraska, approved February 8, 1869, was taken up and House amendments thereto considered and agreed to.

The President put the question, shall the bill pass as amended?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Fulton, Gere, Stevenson and Mr. President—8.

None voting in the negative.

So the bill passed as amended.

The President signed in open Senate S. R. 6, Joint Resolution providing for committee to investigate official acts and doings of State Commissioners, &c.

Upon motion of Mr. Stevenson Senate went into Committee of Whole House upon bills on their second reading, and after some time spent therein the President resumed the chair and Mr. Stevenson from Committee of the Whole House made the following report :

Your Committee have had under consideration S. 9, an act to provide means for the support of the State government and to redeem outstanding matured bonds of the Territory of Nebraska, and recommend that bill pass, with following amendments :

Strike out of 12th line, section 1 of bill, the words "one hundred and ten" and insert in lieu thereof the word "fifty." Also strike out of the last line of section 4 the words "and "fifty."

Also S. R. 7, joint resolution relative to the investigation of the official acts of the Commissioners of Public Buildings and to make an appropriation for the payment of expenses incidental thereto, and report progress and ask leave to sit again.

Report of committee adopted.

S. 9, an act to provide means for the support of the State government and to redeem outstanding matured bonds of the Territory of Nebraska, with amendments.

Read third time.

The President put the question, shall the bill pass as amended?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Fulton, Gere, Goodwill, Hathaway and Mr. President—9.

Those voting in the negative were Mr. Stevenson—1.

So the bill passed.

Upon motion of Mr. Frost S. R. 1, joint resolution relative to adjournment, was taken up, read third time and put upon its passage.

The President put the question, shall the resolution pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwill, Hathaway, Stevenson, and Mr. President—11.

None voting in the negative.

So the resolution passed.

Mr. Gere from Committee on Engrossed and Enrolled bills made the following report.

Your committee have examined S. 3, an act supplemental to an act entitled an act to establish the University of Nebraska, approved February 15, 1869, and find it correctly engrossed.

C. H. GERE. *Chairman.*

Mr. Frost from Committee on Finance, Ways and Means by unanimous consent introduced S. 13, an act making appropriation for current expenses of the year 1870, and other expenses.

Read first time, and upon unanimous consent the rules were suspended.

Bill read second time by its title and referred to Committee of the Whole House.

Mr. Ashton from Committee on Expenditures reported back S. 11, an act to encourage immigration and to appoint a Commissioner of immigration for Nebraska, with recommendation that bill be referred to Committee of the Whole House.

Bill so referred.

Upon motion of Mr. Fulton, Senate went into Committee of the Whole House, and after some time spent therein, the President resumed the Chair and Mr. Fulton from Committee of the whole House made the following report.

Your committee have had under consideration S. 13, an act making appropriation for the current expenses for the year 1870, and report the same back with the following amendments, viz.

May, Weil & Co.....	\$253.50.
Nebraska State Journal,.....	150.00.
Samuel Alexander,.....	15.00.

Also, add to the bill the following, namely.

The sum of \$3.00 per day for this session for pay for "Daily State Journal" for use of Members of Senate, ending March 1, 1870.

Report of Committee of House adopted when the bill was read third time and the President put the question.

Shall the bill pass as amended?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Fulton, Gere, Goodwill, Hathaway, Stevensan and Mr. President—10.

None voting in the negative.

So the bill passed.

Mr. Gere from Committee on Engrossed and Enrolled bills made the following report :

Your committee have this day presented to the Governor for his signature, joint resolution relative to a postal telegraph.

Also, a joint resolution and memorial praying for protection for the settlers in South-western Nebraska, against Indian depredations.

Also, joint resolution relative to the contract for furnishing desks to the Legislature.

C. H. GERE, *Chairman.*

Upon motion of Mr. Stevenson, the Senate adjourned until 10 o'clock A. M. to-morrow.

MONDAY, February 28, 1870.

Upon unanimous leave, Mr. Frost read from his seat and offered the following resolution :

Resolved, That the Attorney General of the State be and hereby is requested to give an opinion at as early an hour as possible to the Senate as to the *right* of the Legislature to appropriate money to pay the per diem and incidental expenses of the committee appointed to investigate the official acts of the Commissioners of Public Building.

Mr. Frost moved that the resolution be referred to the Attorney General for his opinion.

Mr. Hathaway moved to amend by referring the resolution to the Judiciary Committee, upon which motion the ayes and nays were demanded.

The question being on the amendment of Mr. Hathaway, the President put the question shall the amendment be adopted?

Which was decided in the negative.

Those voting in the affirmative were Messrs. Barnum, Daily Hathaway and Stevenson—4.

Those voting in the negative were Messrs. Ashton, Cunningham, Frost, Fulton, Gere and Mr. President—6.

So the amendment was not agreed to.

The question recurring on the motion of Mr. Frost to refer to the Attorney General, it was so ordered.

Mr. Cunningham upon leave read from his seat and offered the following resolution which was received, considered and adopted :

Resolved, That the Senate recall the joint resolution relative to adjournment.

Message from the House by Mr. Holbrook, Assistant Clerk :

Mr. President :

The House has passed S. 10, an act to provide for the election of an additional Congressman, without amendment.

The House has receded from its amendment to S. R. 3, joint resolution relative to removing Indians now on joint reservations in Nebraska to new and joint reservations.

The House has refused to pass S. 7, an act to amend chapter 53 of the Revised Statutes entitled "Towns."

The House has also passed H. 13, an act to provide for the erection of a Penitentiary and for the care and custody of State prisoners. In which I am directed to ask the concurrence of the Senate.

C. H. WALKER, *Chief Clerk.*

The President signed in open Senate H. 11, an act regulating the jurisdiction of Probate Courts in civil cases, to provide for holding regular terms of said courts and to provide for the compensation of Probate Judges.

Also, H. 9, an act to authorize the Secretary of State to remove from the files in his office an act entitled an act declaring section lines to be public roads in certain counties in the State of Nebraska.

Mr. Cunningham upon leave introduced S. R. 8, joint resolution and memorial relative to the ratification of certain treaties made with the Iowa, Sioux, Fox, Otoe and Missouri Indian tribes. Read first time.

Mr. Daily moved that rules be suspended, bill read second time by title and referred to Committee of the Whole House.

Which was not agreed to.

Mr. Stevenson moved to reconsider the vote by which the Senate refused to suspend the rules.

Agreed to.

The question then recurred upon the motion of Mr. Daily to suspend the rules. The ayes and nays were demanded.

Those voting in the affirmative were Messrs. Barnum, Cunningham, Daily, Fulton, Gere, Goodwell, Hathaway and Mr. Stevenson—8.

Those voting in the negative were Messrs. Ashton, Frost and Mr. President—3.

So the Senate refused to suspend the rules.

Ordered, That bill lay over under the rules.

Message from the House by Mr. Walker, Chief Clerk.

Mr. President :

The House has passed H. R. 23, joint memorial relative to mail routes.

In which I am directed to ask the concurrence of the Senate.

C. H. WALKER, Chief Clerk.

Mr. Stevenson, upon unanimous consent, read from his seat and introduced S. 14, an act fixing the times of holding District Courts in First and Second Judicial Districts.

Read first time

Upon unanimous consent the rules were suspended, bill read second and third times by its title and put upon its passage.

The President put the question, shall the bill pass?

Which was decided in the affirmative.

Those voting in the affirmative were, Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwell, Hathaway, Stevenson and Mr. President—11.

None voting in the negative.

So the bill passed.

Bills on first reading:

H. 13, an act to provide for the erection of a penitentiary, and for the care and custody of State prisoners.

Read first time.

Upon unanimous consent bill was read second time by its title and referred to Committee of the Whole House.

H. R. 23, joint resolution relative to mail routes.

Read first time.

Upon unanimous consent bill was read second time by its title and referred to Committee of the Whole House.

Mr. Gere, from Committee on Engrossed and Enrolled Bills, made the following report.

Your Committee report that they have this day presented to the Governor for his signature an act regulating the jurisdiction of Probate Courts in civil cases to provide for holding regular terms of said Courts and to provide for the compensation of Probate Judges.

Also an act to authorize the Secretary of State to remove from the files in his office an act entitled an act declaring section lines to be public roads in certain counties in the State of Nebraska.

C. H. GERE, *Chairman.*

Upon motion of Mr. Stevenson Senate took a recess until 2 o'clock P. M.

AFTER RECESS.

Report of Commissioners of Public Buildings, &c., was received and read:

To the Honorable the President of the Senate:

We, the Commissioners of Public Buildings, have the honor to report in obedience to a resolution of your honorable body calling for the amount of sales made since the last session of the Legislature, and the number of lots remaining unsold, as follows:

That the amount of sales are two hundred and ninety-six thousand two hundred and sixty-eight dollars. That the number of lots remaining unsold is six hundred.

Respectfully submitted,

DAVID BUTLER,
THOMAS P. KENNARD.

Also the following communication was received from the Attorney General:

STATE OF NEBRASKA,
ATTORNEY GENERAL'S OFFICE,
LINCOLN, February 28, 1870. }

To the Honorable the President of the Senate:

SIR—In obedience to resolution this day passed by your honorable body and received by me I herewith transmit my opinion upon the question therein stated, to-wit:

“Whether the Legislature has the right to appropriate money to pay the per diem and incidental expenses of the committee appointed to investigate the official acts or the State Commissioners of Public Buildings.”

The data as furnished in the question above propounded are extremely meagre to base an opinion upon.

In the joint resolution to appoint a committee to investigate “the official acts and doing of the State Commissioners of Public Buildings and Lands,” it is provided that the members of the Committee of Investigation “shall consist of two members on the part of the Senate, to be chosen by the Senate, and three members on the part of the House, to be chosen by the House,” and that the said committee “be directed to make report of their investigation to the Legislature at their present session.” Since the members of the Committee of Investigation are likewise members of the Legislature, and as such members of the Legislature are entitled to receive and do receive per diem and other pay allowed by the law of the land, it is difficult to see how the question proposed can well be raised and especially so, since by the provisions of the joint resolution this committee makes its report to the Legislature at its present session. I am thus thrown upon the broad field of speculation. I am thus left to conjecture how the question proposed might be a pertinent and material one. I will at first suppose that it is in contemplation by the Legislature to increase the per diem of those of its members who are or are to be members of the Committee of Investigation and also to allow them certain incidental expenses in consideration of their extra services as such committee. This cannot be done. Section 21, article II of our State Constitution provides what the compensation of members of the Legislature shall be. None, I think would be bold enough to contend that the Constitution merely fixes the minimum and that compensation may be increased,

In the second place, as I have heard that it is in contemplation by the Legislature to appoint this Committee of Investigation and then to adjourn, leaving the committee to report to the next Legislature, and that there is passed or pending a resolution to that effect. I still suppose this to be done. Can the Legislature in such a case appropriate money to pay the members of the committee their per diem and incidental expenses? I think this can not be done. In my opinion it is beyond the province of the special call. It is not providing for the incidental expenses of the session, nor for the per diem and mileage of members of the Legislature, nor is it a provision for the incidental expenses of the State officers within the meaning of the call, nor can the expense thus to be provided for be termed incidental to the session within the meaning of the special call. It is an expense made necessary, it may be, by an extension of the time for the committee to make their report, but waiving all question as to the power of the Legislature to appoint a committee at which is no longer, perhaps, an open question, let us enquire into the power of the Legislature to appoint and to provide for the payment of a committee, of its own members, whose duty it shall be to set after adjournment of the Legislature and perform certain duties. This is not within the call, and there are other and equally serious objections.

1st. Granting the possibility of another session of the present Legislature: Yet as the members of the committee are members of the Legislature they are entitled to no pay except for their attendance during session, for so it is provided in section 21 as above cited. But grant for a moment that they sit and receive pay, not as members of the Legislature, but as officers specially appointed by the Legislature to perform certain duties. Here an equal difficulty meets us, a difficulty with two horns, both of which we can not dodge, for the members of the Committee of Investigation are either officers appointed by joint resolution to perform certain duties and receive certain emoluments therefor, which is in violation of section 13, article II of our State Constitution, or, if this be denied, then they are not officers, but neither are they sitting in the capacity of Legislators, (for that hypothesis has been above excluded) and they are nothing and cannot act and receive pay. So that as members of the Legislature they are not entitled to receive pay except during session. As officers filling an office created during their term of office as Legislators they are not entitled to act, much less to receive pay. If they be neither officers nor members of the Legislature, surely they have no right to sit or receive pay. An hour is a very short time to make anything like a connected or studied argument on so grave a question as the one proposed, and I may have failed in making myself

understood. I think, however, that it will appear to every one who considers well the sections which I have cited that the difficulties in the way are by no means trifling.

I have the honor to be your most obedient servant,

SETH ROBINSON, *Attorney General.*

Message from the House, by Mr. Walker, Chief Clerk.

Mr. President:

The House has considered the request of the Senate in relation to the return of S. R. 2, joint resolution relative to adjournment, and has acceded thereto.

C. H. WALKER, *Chief Clerk.*

Mr. Stevenson by unanimous consent introduced S. 15, an act to authorize the raising of troops on extraordinary occasions.

Read first time.

Upon unanimous consent, rules were suspended, bill read second time by its title and referred to Committee of the Whole House.

Mr. Cunningham called up S. R. 2, joint resolution relative to adjournment, and moves a reconsideration by which it passed the Senate.

The ayes and nays being demanded, the President put the question.

Shall the Senate reconsider the vote by which the resolution passed?

Those voting in the affirmative were Messrs. Barnum, Cunningham, Daily, Fulton, Gere, Goodwill, Hathaway, Porter, Reed and Stevenson—10.

Those voting in the negative were Messrs. Ashton, Frost and Mr. President—3.

So the motion to reconsider was agreed to.

Upon motion of Mr. Cunningham, resolution was laid upon the table.

Upon motion of Mr. Fulton, Senate went into Committee of the Whole House and after sometime spent therein, the President resumed the Chair and Mr. Fulton from Committee of the Whole House made the following report.

Your committee have had under consideration S. R. 7, joint resolution relative to the official acts of the Commissioners of Public buildings and to make an appropriation for the payment of the expenses incidental thereto, and report the resolution back with the recommendation that it be referred to the Judiciary Committee with instructions to report at 11 o'clock A. M. to-morrow.

Also, your committee have had under consideration H. 13, an act to provide for the erection of a Penitentiary, and for the care and custody of State prisoners, and recommend that bill be referred to special committee with a view to amendment.

Also, H R. 20, joint memorial relative to mail routes, and would recommend the passage of the resolution with the following amendments :

Insert after the word "thereon" in the 23d line of the memorial :

"Also, a daily mail route from Peru in Nemaha county to Nebraska City in Otoe county, with a daily mail thereon."

"Also, a daily mail route from Rulo Nebraska, to Bigelow, Missouri."

Also, S. 15, an act to authorize the raising of troops on extraordinary occasions, and would recommend that the bill do pass.

Also, S. 11, an act to encourage immigration and to appoint a Commissioner of Immigration, and would recommend that bill be made special order for Committee of the whole House, to-morrow at 11 o'clock A. M.

Report Committee of Whole House adopted.

H. R. 23, joint memorial relative to mail routes was then read third time and put upon its passage.

The President put the question.

Shall the bill pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwill, Hathaway, Stevenson and Mr. President—11, no one voting in the negative.

So the bill passed.

S. 15, an act authorizing the raising of troops on extraordinary occasions was taken up, and upon unanimous consent, rules were suspended, bill read third time and put upon its passage.

The President put the question.

Shall the bill pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwill, Hathaway, Stevenson and Mr. President—11.

No one voting in the negative.

So the bill passed.

S. R. 7, joint resolution relative to the investigation of the official acts of the Commissioners of Public Buildings, &c.

Referred to Judiciary Committee with orders to report to-morrow at 11 o'clock A. M.

The President signed in open Senate H. 14, an act to correct clerical errors in sections 29, 33, 46, 50, 52, 58, 73, 74, 78 of an act to establish a system of public instruction for the State of Nebraska, approved February 15, 1869.

Upon motion of Mr. Stevenson, Senate adjourned.

TUESDAY, March 1, 1870.

Mr. Stevenson, upon unanimous leave, introduced S. R. 9, joint resolution and memorial to Congress, praying for the recognition of Cuban Independence.

Read first time.

Upon unanimous consent, rules were suspended, resolution read second and third times by its title and put upon its passage.

The President put the question :

Shall the memorial and joint resolution pass ?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Reed, Stevenson and Mr. President—11.

No one voting in the negative.

So the memorial and joint resolution passed.

Message from the House, by Mr. Walker, Chief Clerk :

Mr. President :

The House has passed bills of the following titles, viz.:

H. 10, an act to amend sections 2 and 5, of an act to enable cities, counties, or precincts to borrow money on their bonds, or to issue bonds to aid in the construction or completion of works of internal improvement in this State.

H. 21, an act to amend section one of an act entitled an act to amend section one of an act entitled an act to provide for the publication of the discussions of the Supreme Court and for the payment of the reporter.

H. R. 24, memorial for a mail route.

In which I am directed to ask the concurrence of the Senate.

C. H. WALKER, *Chief Clerk*.

Mr. Cunningham, from special committee to whom was referred H. 13, an act to provide for the erection of a Penitentiary, and for the care and custody of State prisoners, reported back the bill as follows :

Your committee to whom was referred H. 13, an act to provide for the erection of a Penitentiary and for the care and custody of State prisoners with instructions to strike out of said bill all that relates to the sale of Lincoln lots, report that they have conformed with said instructions.

E. E. CUNNINGHAM.

Mr. Stevenson, on unanimous consent, introduced S. 16, on act to correct mistakes, errors and imperfections in the Statutes of Nebraska.

Read first time.

Upon unanimous consent, rules were suspended, bill read second time by its title and referred to Committee of the Whole House.

Mr. Frost, upon unanimous consent, read from his seat and introduced S. R. 10, joint resolution relative to payment for the Omaha Herald.

Upon unanimous consent, rules were suspended, resolution read second and third time by its title, and put upon its passage.

The President put the question.

Shall the resolution pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Goodwill, Hathaway, Reed, Stevenson and Mr. President—11.

No one voting in the negative

So the resolution passed.

Bills on first reading :

H. R. 24, memorial for mail route.

Read first time.

Upon unanimous consent rules were suspended, memorial read second and third times and put upon its passage.

The President put the question, shall the memorial pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Goodwill, Hathaway, Reed, Stevenson, and Mr. President—11.

No one voting in the negative.

So the memorial passed.

H. 10, an act to amend sections two and five of an act entitled an act to enable cities, counties or precincts to borrow money on their bonds and to issue bonds, &c.

Read first time.

Upon unanimous consent rules were suspended, bill read second time by its title and referred to Committee of Whole House.

H. R. 21, an act to amend section one of an act entitled an act to provide for the publication of the decisions of the Supreme Court and for the payment of the Reporter.

Read first time.

Upon unanimous consent rules were suspended, bill read second time by title and referred to Committee of Whole House.

Mr. Stevenson from Judiciary Committee, to whom was referred S. R. 7, joint resolution relative to the investigation of the official acts of the Commissioners of Public Buildings, &c., reported progress and asked further time until 2 o'clock P. M., to-day to report.

Further time granted committee.

Mr. Gere, from Committee on Engrossed and Enrolled Bills, made the following report:

Your Committee have this day presented to the Governor for his signature, an act to correct clerical errors in sections twenty-nine (29), thirty-three (33), forty-six (46), fifty-two (52), fifty-eight (58), seventy-two (72), seventy-four (74) and seventy-eight (78) of an act to establish a system of public instruction for the State of Nebraska.

Also that your committee have examined joint resolution and memorial relative to removing the Indians from special reservations to new and joint reservations.

Also an act to provide for an additional Congressman.

Also an act entitled an act to amend an act entitled an act to incorporate cities of the first class in the State of Nebraska, approved February 8, 1869.

And find them correctly enrolled.

C. H. GERE, *Chairman*.

Upon motion of Mr. Stevenson Senate went into Committee of the Whole House, and after some time spent therein the President resumed the chair, and Mr. Stevenson made the following report :

Your Committee have had under consideration S. 11, an act to encourage immigration and to appoint a Commissioner of Immigration for Nebraska, and would recommend that further consideration of the bill be postponed until to morrow.

Report adopted.

Message from the House by Mr. Walker, Chief Clerk :

Mr. President:

The House has concurred in the amendment proposed by the Senate to H. R. 23, joint resolution and memorial relative to mail routes.

Also the House has passed H. R. 19½, an act to encourage and facilitate immigration to the State of Nebraska.

Also S. 14, an act fixing the times of holding District Courts in first and second Judicial Districts.

With amendment.

In which I am directed to ask the concurrence of the Senate.

Also S. R. 9, a memorial to Congress praying for the recognition of Cuban independence by the National Government.

Also S. R. 10, joint resolution relative to Omaha Herald.

Without amendment.

C. H. WALKER, *Chief Clerk*.

The President signed in open Senate S. 6, an act to amend an act entitled an act to incorporate cities of the first class.

Also S. 10, an act to provide for an additional Congressman

Also S. R. 3, joint resolution relative to removing the Indians now on special reservations in Nebraska to new and joint reservations.

Upon motion of Mr. Cunningham, Senate went into Committee of the Whole House. After some time spent therein the President resumed the chair and Mr. Cunningham from Committee of the Whole House made the following report :

Your Committee of the Whole House have had under consideration S. 11, an act to encourage immigration and to appoint a Commissioner of Immigration for Nebraska, and would recommend that the bill be engrossed for third reading with amendments.

Also, your committee have had under consideration H. 10, an act to amend sections 2 and 5 of an act entitled an act to enable counties, cities or precincts to borrow money on their bonds and issue bonds, &c., and recommend that bill be referred to the delegations of Cass and Nemaha counties.

Report of Committee of Whole House adopted.

Upon motion of Mr. Daily, Senate took recess until 2 o'clock P. M.

AFTER RECESS.

Message from the House by Mr. Walker, Chief Clerk.

Mr. President :

The House has passed S. 4, an act supplemental to an act to establish the University of Nebraska, approved February 15, 1869, with amendment in which I am directed to ask the concurrence of the Senate.

C. H. WALKER, *Chief Clerk.*

S. 14, an act fixing the times of holding the District Courts in first and second Judicial Districts, was taken up by unanimous consent and the House amendments thereto considered and adopted.

The President put the question.

Shall the bill pass as amended?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwill, Hathaway, Reed, Stevenson and Mr. President—12.

No one voting in the negative.

So the bill passed as amended.

S. 4, an act supplemental to an act entitled an act to establish the University of Nebraska, approved February 15, 1869, was taken up and the House amendments thereto considered and agreed to, when the President put the question shall the bill pass as amended?

Which was decided in the affirmative.

Those who voted in the affirmative were Messrs. Ashton, Barnum, Cunningham, Frost, Fulton, Gere, Goodwill, Hathaway, Reed, Stevenson and Mr. President—12.

No one voting in the negative.

So the bill passed.

Mr. Gere from Committee on Engrossed and Enrolled Bills made the following report:

Your committee have examined an act to encourage immigration and to appoint a Commissioner of Immigration for Nebraska, and find it correctly engrossed.

Also, joint resolution relative to payment for "Omaha Herald" and find it correctly enrolled.

S. 11, an act to encourage immigration and to appoint a Commissioner of Immigration for Nebraska, was taken up by unanimous consent, read third time and put upon its passage.

The President put the question, shall the bill pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Cunningham, Frost Gere, Goodwill, Stevenson and Mr. President—7.

Those voting in the negative were Messrs. Barnum, Fulton, Hathaway, Porter and Reed—5.

So the bill passed.

Message from the House by Mr. Walker, Chief Clerk:

Mr. President:

The House has passed S. 9, an act to provide means for the support of the State Government and to redeem the outstanding matured bonds of the Territory of Nebraska.

Also, H. R. 25 memorial and joint resolution relative to mail routes, in which I am directed to ask the concurrence of the Senate.

C. H. WALKER, *Chief Clerk.*

Mr. Stevenson, from Judiciary Committee, reported back S. R. 7, joint resolution relative to the investigation of the official acts of the Commissioners of public buildings, &c., with following report :

Your committee are of opinion that provision can be made by the Legislature for the expense of the Committee of Investigation, during session of Legislature, and recommend that resolution be referred to Committee of the Whole House.

T. B. STEVENSON. *Chairman.*

Mr. Hathaway from special committee of delegations from Cass and Nemaha counties, to whom was referred S. 10, an act to amend sections 2 and 5 of an act entitled an act to enable counties, cities or precincts to borrow money on their bonds or to issue bonds to aid in construction or completion of works of internal improvements in the State, report the bill back without recommendation.

On motion of Mr. Daily Senate went into Committee of Whole House upon H. 13, an act to provide for the erection of a Penitentiary and for the care and custody of State prisoners. After some time spent therein the President resumed the chair and Mr. Hathaway from Committee of the Whole House made the following report :

Mr. President :

Your Committee have had under consideration H. 13, a bill for an act to provide for the erection of a Penitentiary, and would recommend that further consideration of this bill be postponed until to-morrow.

Also your Committee have had under consideration H. 21, an act to amend section 1 of an act entitled an act to amend section 1 of an act entitled an act to provide for the publication of the decisions of the Supreme Court and for the payment of the Reporter, and would recommend the passage of the bill with the following amendment: Add to section 1 of the bill the following: "*Provided*, that the pamphlet copies herein authorized to be published shall not be considered as volumes in the meaning of this act, and shall not be paid for as such by the State.

Also your Committee have had under consideration H. 10, an act to amend sections 2 and 5 of an act entitled an act to enable counties, cities or precincts to borrow money on their bonds or to issue bonds to aid in the construction or completion of works of internal improvement in the State, and recommend that the bill do pass with the following amendment, viz: Strike out "section 5" of the bill.

SIO

Also your Committee have had under consideration S. 16, an act to correct mistakes, errors and imperfections in the Statutes of Nebraska, and would recommend that the bill be indefinitely postponed.

Also H. 19½, an act to encourage and facilitate immigration to Nebraska, and would recommend that bill be referred to Committee on Immigration.

Report of Committee of Whole House was adopted.

H. 21, an act to amend section 1, of an act entitled an act to amend section 1, of an act entitled an act to provide for the publication of the decisions of the Supreme Court, and for the payment of the reporter.

Was read the third time.

The President put the question.

Shall the bill pass?

Which was decided in the affirmative.

Those voting in the affirmative, were Messrs. Ashton, Cunningham, Frost, Fulton, Gere, Hathaway, Reed, Stevenson and Mr President—

No one voting in the negative.

So the bill passed.

H. 10, an act to correct mistakes, errors and imperfections in the Statutes of Nebraska, indefinitely postponed.

Mr. Gere, from the Committee on Engrossed and Enrolled bills, made the following report :

Your committee report that they have this day presented to the Governor for his signature, an act to fix the time for holding the District Courts in the first and second Judicial Districts in Nebraska.

Also, an act supplemental to an act entitled an act to establish the University of Nebraska, approved February 15, 1869.

Message from the House by Mr. Holbrook, Assistant Clerk :

Mr. President.

The House has indefinitely postponed a bill of the Senate, S. 11, an act to encourage immigration and to appoint a Commissioner of Immigration for Nebraska.

C. H. WALKER, *Chief Clerk.*

Mr. Gere, from Committee on Enrolled and Engrossed bills, made the following report :

Your Committee report that they have this day presented to the Governor for his signature, an act to provide for the election of an additional Congressman.

Also, an act entitled an act to incorporate cities of the first class in the State of Nebraska, approved February 8, 1869.

Also, memorial and joint resolution relative to removing Indians now on reservations in Nebraska, to new and joint reservations.

Also, joint resolution relative to payment of Omaha Herald.

Also, your Committee have examined an act supplemental to an act entitled an act to establish a University of Nebraska, approved February 15, 1869.

Also, an act to fix the time of holding the District Courts in first and second Judicial Districts of Nebraska, and find them correctly enrolled.

The President signed in open Senate bills of the following titles, viz :

S. 4, an act supplemental to an act entitled an act to establish the University of Nebraska, approved February 15, 1869.

S. 14, an act to fix the times of holding the District Courts in the first and second Judicial Districts in Nebraska.

H. R. 10, an act to amend sections 2 and 5 of an act entitled an act to enable counties, cities or precincts to borrow money on their bonds or to issue bonds to aid in the construction or completion of works of internal improvement in this State, was taken up by unanimous consent, read third time and put upon its passage.

The President put the question, shall the bill pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Frost, Fulton, Goodwill, Stevenson and Mr. President—8.

Those voting in the negative were Messrs. Daily, Hathaway and Reed—3.
So the bill passed.

Upon motion Mr. Daily was appointed a committee of one to wait upon the Land Commissioners and ascertain the amount of saline lands sold by the Commissioners and the amount of money received for the same, and the amount of such lands remaining yet unsold, with instructions to report tomorrow morning.

Upon motion of Mr. Hathaway Senate adjourned.

WEDNESDAY March 2, 1870.

Mr. Daily, from Committee to wait upon Commissioners of Public Buildings &c., and ascertain the amount of saline lands sold by the Commissioners and the amount received therefor, and also the amount of lands remaining yet unsold, made the following report:

Your Committee appointed to ascertain the amount of saline lands sold by the Commissioners under authority of law passed at last session of the Legislature, ascertain the amount sold to be, in round numbers, twenty-three sections.

WM. DAILY.

Upon unanimous consent Mr. Daily introduced S. R. 9, a joint resolution relative to the care and custody of State prisoners.

Read first time.

Upon motion of Mr. Daily the rules were suspended, more than three-fourths of the members assenting thereto, and the joint resolution read second and third times by title and put upon its passage.

The President put the question, shall the resolution pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Baruum, Cunningham, Daily, Frost, Gere, Goodwill, Reed and Mr. President—9.

No one voting in the negative.

So the resolution passed.

Mr. Cunningham from Committee on Immigration, to whom was referred H. 19½, an act to encourage and facilitate immigration, reported the bill back with amendments.

Bills on first reading:

H. R. 25, joint resolution relative to a mail route.

Read first time.

Upon unanimous consent rules were suspended, bill read second and third times by its title and put upon its passage.

The President put the question shall the bill pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Gere, Goodwill, Reed and Mr. President—8.

No one voting in the negative.

So the resolution passed.

Upon motion of Mr. Gere, Senate went into Committee of the Whole House upon H. 13, an act to provide for the erection of a Penitentiary and for the care and custody of State prisoners, and after some time spent therein the President resumed the chair and Mr. Gere from Committee of the Whole House made the following report:

Your Committee have had under consideration H. 13, an act to provide for the erection of a Penitentiary and for the care and custody of State prisoners, and report the bill back with the recommendation that it do lie upon the table.

Report of Committee of the Whole House adopted.

Message from the House by Mr. Walker, Chief Clerk:

Mr. President:

The House has concurred in the amendment of the Senate to bills of the following titles:

H. R. 10, an act to amend sections 2 and 5 of an act to enable counties, cities or precincts to borrow money on their bonds or to issue bonds to aid in the construction or completion of works of internal improvement.

H. 21, an act to amend section 1 of an act entitled an act to amend section 1 of an act entitled an act to provide for the publication of the decisions of the Supreme Court and for the payment of the Reporter.

The House has passed S. R. 9, joint resolution relative to the care and custody of State prisoners, without amendment.

C. H. WALKER, *Chief Clerk.*

Upon motion of Mr. Hathaway Senate adjourned.

THURSDAY, March 3, 1870.

Message from the House by Mr. Walker, Chief Clerk:

Mr. President:

The House has appointed Messrs. McCartney, Fox and McCaig the joint committee on the part of the House as provided in S. R. 9, joint resolution relative to the care and custody of State prisoners.

C. H. WALKER, *Chief Clerk.*

Messrs. Daily and Frost were appointed the joint committee on the part of the Senate to act with the committee appointed by the House to draft a bill for the care and custody of State prisoners.

Mr. Gere, from Committee on Engrossed and Enrolled Bills, made the following report :

Mr. President :

Your committee have this day examined a joint resolution relative to the drafting a bill for the immediate care and custody of State convicts and find it correctly enrolled.

C. H. GERE, *Chairman.*

The President signed in open Senate H. R. 25, joint resolution relative to mail routes.

Also H. 16, an act to amend sections 2 and 5 of an act entitled an act to enable counties, cities or precincts to borrow money on their bonds or to issue bonds to aid in the construction or completion of works of internal improvements in the State of Nebraska.

Also H. 21 an act to amend section 1 of an act to amend section 1 of an act entitled an act to provide for the publication of the decisions of the Supreme Court and for the payment of a Reporter, approved February 15th, 1869.

Message from the Governor by his private Secretary, Mr. Kellogg :

MARCH 2, 1870.

To the President of the Senate:

I am directed by his Excellency the Governor to inform your honorable body that he has this day approved and signed the following entitled acts, viz :

An act to amend an act entitled an act to incorporate cities of the first class in Nebraska, approved February 8th, 1869.

An act to fix the time for holding the District Courts in the first and second Judicial Districts in Nebraska.

An act supplemental to an act entitled an act to establish the University of Nebraska, approved February 15th, 1869.

Joint resolution relative the payment of the Omaha Herald.

Preamble and joint resolution relative to removing the Indians now on special reservations to new and joint reservations.

An act to provide for the election of an additional Congressman.

A. W. KELLOGG, *Private Secretary.*

Message from the House by Mr. Holbrook, Assistant Clerk :

Mr. President:

The House has passed H. R. 30, an act to fix the time of holding the district courts in the first and second judicial districts, in which I am directed to ask the concurrence of the Senate.

C. H. WALKER, *Chief Clerk.*

Upon motion of Mr. Cunningham, H. 13, an act to provide for the erection of a Penitentiary and for the care and custody of State prisoners was taken from the table. When upon motion of Mr. Cunningham, Senate went into Committee of the Whole House upon said bill and after some time spent therein the President resumed the chair and Mr. Cunningham made the following report :

Your Committee of the Whole House have had under consideration H. 13, an act to provide for the erection of a Penitentiary and for the care and custody of State prisoners, and would report the bill back with the recommendation that it do pass with the following amendments :

Strike out all of section 1 after the word "Penitentiary" in the third line and insert in lieu thereof the following words, viz : "On the forty acres of land now set apart for the location of a Penitentiary by the Commissioners for the location of public buildings for the State of Nebraska, in such position that the buildings can be reached by side track of railroads. Also, strike out of fifth and sixth lines of section 3 after the word "sell" the following words, to-wit : "The unsold lots in Lincoln together with."

Also, strike out of fourteenth line of the same section the words "which unsold lots and."

Also, in first line of section 4 strike out the words "lots and."

Also, in fifth line of same section strike out the words "aggregate number of lots and."

Also, in the twelfth line of same section strike out the words "lots and."

Also, in sixteenth line of same section strike out the words "lots or."

Also, in the eighteenth, nineteenth and twentieth lines of same section strike out the words to-wit : "And that the lots have been appraised by said inspectors."

Also in section 6 strike out the words "lots and" in the second line.

Also in ninth line same section strike out the words "lots and."

Also in first, fourth, tenth and seventeenth lines of eighth section strike out the words "lots or" as they occur in said lines.

Also in second line ninth section strike out the words "lots and."

Also in fifth line of section twelve strike out the words "lots or."

Also in fifth line section twenty-nine strike out the words "seven hundred and fifty" and insert in lieu thereof the words "fifteen hundred."

Also in sixth line section thirty-three strike out the word "three" and insert in lieu thereof the word "five."

Also in the sixth line section thirty-four strike out the word "three" and insert in lieu thereof the word "five."

Mr. Hathaway offered the following amendment to section one, viz.:

Strike out all after the word "or" in third line of said section and insert in lieu thereof the following words: "within a radius of five miles of the city of Lincoln, in Lancaster county, said building to be so located that it can be reached by the side track of railroads centering at Lincoln, so as to accommodate said roads as far as practicable."

The ayes and nays being demanded, the President put the question, shall the amendment be adopted?

Which was decided in the negative.

Those voting in the affirmative were Messrs. Frost, Goodwill, Hathaway, Reed and Mr. President—5.

Those voting in the negative were Messrs. Ashton, Barnum, Cunningham, Daily, Fulton, Gere, Porter, and Stevenson—8.

Mr. Fulton offered the following substitute for the amendment to section one, recommended by the Committee of the Whole House, viz.:

Strike out all of section one after the word "Penitentiary" and insert in lieu thereof the following words: "on the forty acres of land now set apart for the location of a Penitentiary by the Commissioners for the location of Public Buildings for the State of Nebraska, in such position that the building can be reached by tracks of railroads, *provided*, that the Midland Pacific railroad or any other railroad reaching the grounds will agree and contract with other railroads centering at Lincoln for the use of their main and side tracks between Lincoln and the said Penitentiary building upon fair and equitable terms; *provided further*, that if such contract or agreement cannot be made with said railroad company, the Inspectors appointed by this act

shall have the right to locate the Penitentiary upon any other suitable grounds of not less than forty acres, within a radius of five miles of Lincoln subject to the condition of the former proviso; *and provided further*, that said re-location shall be made without additional expense to the State of Nebraska."

Which was adopted.

Upon which the report of the Committee of the Whole House was unanimously adopted as amended.

Upon motion of Mr. Cunningham the rules were suspended, more than three-fourths of the members assenting thereto, and H. 13, an act to provide for the erection of a Penitentiary and for the care and custody of State prisoners, was taken up, read third time by its title and put upon its passage.

The President put the question, shall the bill pass as amended?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwill, Hathaway, Porter, Reed, Stevenson and Mr. President—13.

None voting in the negative.

So the bill passed.

Upon motion of Mr. Cunningham Senate took a recess until 3 o'clock P. M.

AFTER RECESS.

Mr. Gere from Committee on Engrossed and Enrolled Bills made the following report:

Mr. President:

Your Committee have this day presented to the Governor for his signature a joint resolution relative to the drafting of a bill for the immediate care and custody of State prisoners.

C. H. GERE, *Chairman.*

Message from the Governor by his private Secretary, Mr. Kellogg:

MARCH 3, 1870.

To the Honorable the President of the Senate:

I am directed by his Excellency the Governor to inform your honorable body that he has this day approved and signed a joint resolution relative to the appointment of a committee to draft a bill for the care and custody of State prisoners.

A. W. KELLOGG, *Private Secretary.*

Upon motion of Mr. Hathaway Senate went into committee of the Whole House upon H. 19½, an act to encourage and facilitate immigration to Nebraska, and after some time spent therein the President resumed the chair and Mr. Hathaway submitted the following report:

Your Committee of the Whole House have had under consideration H. 19½, an act to encourage and facilitate immigration to Nebraska, and would recommend the passage of the bill, with the following amendments, to wit:

Strike out the words "L. Crounse, of Washington county," in the second and third lines of section 1, and insert in lieu thereof the words "F. Krug, of Douglas county."

Also, strike out of the third line of section 1, the words "William Bishop of Otoe county," and insert in lieu thereof the words "R. R. Livingston, of Cass county."

Also, add to section 3, the following:

"The Board of Immigration shall have authority to appoint suitable local agents in Nebraska without expense to the State, and make all needful rules and regulations for the government of the said agents."

Also, in section 5, strike out the word "twelve," in the tenth line, and insert in lieu thereof, the word "fourteen."

Also, strike out of the seventh line in section 17, the words "two thousand," and insert in lieu thereof the words "fifteen hundred," and after the word "pay," in the sixth line of the same section insert the words "at the above rate."

Mr. Hathaway moved to amend the third section of the bill, by striking out the words "Nebraska City," and inserting in lieu thereof the words "Plattsmouth City," which was adopted.

And the report of the Committee of the Whole House as amended was adopted.

Mr. Hathaway moved that rules be suspended, bill read third time by its title, and put upon its passage, pending which Mr. Daily moved a call of the House, which was agreed to, and the Sergeant-at-arms dispatched for absentees.

Absent Messrs. Fulton, Gere and Stevenson.

Sergeant-at-arms appeared with the absentees.

Upon motion of Mr. Cunningham all further proceedings under the call was dispensed with.

The question being on the suspension of the rules, it was agreed to and the bill was read third time and put upon its passage.

The President put the question:

Shall the bill pass?

• Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Barnum, Cunningham, Frost, Fulton, Gere, Hathaway, Reed, Stevenson and Mr. President—9

Those voting in the negative were Messrs. Ashton, Daily, Goodwill and Porter—4.

So the bill passed.

Upon motion of Mr. Cunningham, and by unanimous consent, H. 30, an act to amend an act entitled an act to fix the time of holding the District Courts in the first and second Judicial Districts, was taken up, read first and second times by its title and referred to the Committee on Judiciary.

Upon motion of Mr. Frost, the Senate adjourned.

FRIDAY, March 4, 1870.

Mr. Daily, by unanimous leave, introduced S. 17, an act to provide for the temporary care and custody of the State prisoners of the State of Nebraska, and to provide a temporary State Penitentiary for such prisoners.

Read first time.

Upon unanimous consent, rules were suspended, bill read second time by its title and referred to the Committee of the Whole House.

Mr. Gere, from the Committee on the Judiciary, reported back H. 30, an act to amend an act entitled an act to fix the time of holding the District Courts in the first and second Judicial Districts, with recommendation that bill do pass without amendment.

Upon unanimous consent, bill was read second and third time by its title, and put upon its passage.

The President put the question, shall the bill pass ?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Gere, Goodwill, Hathaway, Porter, Reed and Mr. President—11.

No one voting in the negative.

So the bill passed.

Upon motion of Mr. Gere, Senate went into Committee of the Whole, and after some time spent therein, the President resumed the Chair, and Mr. Gere, from Committee of the Whole House, made the following report :

Mr. President.

Your Committee of the Whole House have had under consideration S. 17, an act to provide for the temporary care and custody of the State prisoners of the State of Nebraska, and to provide a temporary State Penitentiary for such prisoners, and recommend that the bill do pass without amendment, when Mr. Hathaway offered the following amendment, to-wit :

After the word "at," in the fifth line of the first section of the bill, insert insert the words "or near," which was agreed to.

Mr. Frost moved to amend section 1, by striking out the words "and may use for the present, the basement of the Capitol, for such temporary purpose as they occur consecutively in said section, which was agreed to.

Upon unanimous consent, the rules were suspended, bill read third time and put upon its passage.

The President put the question, shall the bill pass ?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Gere, Goodwill, Hathaway, Porter, Reed and Mr. President—11.

No one voting in the negative.

So the bill passed.

Message from the House by Mr. Walker, Chief Clerk :

Mr. President:

The House has passed H. 19, an act to authorize the raising of troops on extraordinary occasions, and to authorize the organization of State troops.

The House has concurred in the amendment proposed by the Senate to H. 13, an act to provide for the erection of a penitentiary, and for the care and custody of State prisoners, &c.

Also the House has passed S. 13, an act making appropriation for the payment of the current expenses of the year 1870, with an amendment by way of a substitute.

The House refuses to concur in the amendment of the Senate to H. 19½, an act to encourage and facilitate immigration to Nebraska, which amendment proposed to strike out the names of "Wm. Bishop," of Otoe county, and "L. Crounse" of Washington county, but concur in the further amendment proposed by the Senate to the bill.

C. H. WALKER, *Chief Clerk.*

The President signed in open Senate H. 13. an act to provide for the erection of a Penitentiary and for the care and custody of State prisoners.

Messrs. Stewart, Hagood and Loveland, a committee from the House, appeared and presented the invitation of the House to the Senate to meet that body in Joint Convention at 2½ o'clock P. M., for the purpose of electing Inspectors for the State Penitentiary.

Message from the House by Mr. Holbrook, Assistant Clerk :

Mr. President:

The House has passed H. R. 31, joint resolution relative to adjournment, in which I am directed to ask the concurrence of the Senate.

C. H. WALKER, *Chief Clerk.*

Upon unanimous consent House substitute to S. 13, an act making appropriation for the current expenses of the year 1870, was taken up.

Mr. Gere moved that Senate concur in House substitute to the bill.

Which was decided in the negative.

Those voting in the affirmative were Mr. Gere.—1.

Those voting in the negative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Goodwill, Hathaway, Porter, Reed and Mr. President—10.

Upon unanimous consent H. 19½, an act to facilitate and encourage immigration &c., was taken up and, upon motion of Mr. Cunningham, Messrs. Ashton and Barnum were appointed as managers on the part of the Senate to concur with a like committee on the part of the House relative to the disagreeing votes of the two Houses.

H. R. 31, joint resolution relative to adjournment, was taken up by unanimous consent and made special order for this afternoon at 6 o'clock.

Ordered, That Secretary of Senate notify the House that the Senate accedes to their request and will meet that body in Joint Convention at two o'clock P. M., for the purpose of electing Inspectors for the State Penitentiary, and to listen to the report of the Joint Committee appointed to investigate the official acts of the State Land Commissioners.

Upon motion of Mr. Frost Senate took a recess until 2 o'clock P. M.

AFTER RECESS.

Message from the House by Mr. Walker, Chief Clerk.

Mr. President :

The House has appointed Messrs. Seybolt, Griffin and McCartney a committee on the part of the House on the disagreeing on House substitute to S. 13, an act making an appropriation for the payment of current expenses of the year 1870.

Messrs. Gardner, Hagood and Roper, a committee from the House, appeared and informed the Senate that the House was ready to meet the Senate in Joint Convention.

Mr. Barnum, from Committee of Managers on the part of the Senate, reported as follows :

The Joint Committee have agreed on the following in regard to first and second amendments proposed by the Senate to H. 19½, an act to encourage and facilitate immigration to the State of Nebraska, viz :

First amendment to be adopted and second amendment to be receded from by the Senate.

Mr. Hathaway moved that the Senate refuse to concur in report of the Committee of Conference.

Which was not agreed to.

When upon motion the report of the committee was adopted.

The hour having arrived for the Senate to meet the House in Joint Convention, the Senate proceeded in a body to the Hall of the House.

JOINT CONVENTION.

The President called the Joint Convention to order.

Mr. McClellan offered the following resolution which was received, considered and adopted.

Resolved, That the Convention of the two Houses proceed, first, to elect one Inspector whose term of office shall end January, 1875; next an Inspector whose term of office shall expire January, 1873; next an Inspector whose term of office shall expire January, 1871.

The Joint Convention proceeded to ballot for Commissioner for first term expiring 1875.

Which resulted as follows :

Mr. F. Templin, of Otoe county-----	23 votes.
Mr. Aaron Hoel, of Douglas county-----	22 "

Upon which the President of the Joint Convention declared Mr. F. Templin duly elected as Inspector for the term ending 1875.

Joint Convention then proceeded to ballot for Inspector for term ending 1873.

Which resulted as follows :

W. W. Abby, of Richardson county-----	24 votes.
S. M. Kirkpatrick, of Cass county-----	22 "

Upon which the President of the Joint Convention declared Mr. W. W. Abby duly elected Inspector for the term ending 1873.

Joint Convention then proceeded to ballot for Inspector for term ending 1871.

Which resulted as follows :

W. W. Wilson, of Washington county-----	26 votes.
J. Heblford, of Lancaster county-----	20 "

Upon which the President of the Joint Convention declared Mr. W. W. Wilson duly elected Inspector for term ending 1871.

Joint Committee appointed to investigate the official acts of the Commissioners of State Lands &c., being now in readiness to make their report to the Joint Convention, Mr. Stevenson, their Chairman submitted the following report:

Mr. President :

The Committee appointed by the the two Houses to jointly investigate the official acts of the State Commissioners of Public Lands and Buildings, have had the matter under consideration, and have examined several witnesses who were supposed to have a knowledge of the facts concerning the reports current throughout the State and publicly charged in certain newspapers published in the State, of certain speculations and frauds, &c., and from a due consideration of the testimony thus taken, and examination of papers and books to as large an extent as time would permit, and sufficiently to satisfy your Committee :

First—That the Commissioners have sold the Saline lands of the State without due regard for the law; that they exceeded their authority under the law, by selling saline lands without first selling *all* the Lincoln Lots, and by selling more of the lands and lots, than was required to obtain the amount of the appropriation made by law.

From the testimony, we find that said Commissioners advertised extensively through the country, that on certain days they would sell lots and lands at Lincoln, and on other days a good many people coming to Lincoln to buy lots and lands, and to accommodate those who came for the purpose of buying lands only, the Commissioners sold some of the land.

Second—That owing to the present location of the Lunatic Asylum, the Commissioners have obtained (75) seventy-five acres of land in the vicinity, on very advantageous terms, though your Committee are of the opinion that such tract of land was not a compensation for such location, but was in the nature of a partial donation to the Commissioners by some citizens after the location of the Asylum to interest the Commissioners, with the hope of getting their influence to assist them (the citizens) in building up a little town in the neighborhood of the Asylum.

Third—The Commissioners have been somewhat careless, and have paid estimates on the erection of the Asylum, when sufficient work and material were not furnished for the Asylum to justify the estimate at the time made. The contractor of the Asylum has also contracts for building, in which the Governor and Secretary of State are interested and such contractor has

obtained funds on estimates for the Asylum with the view of using the funds immediately in furtherance of the erection of the houses of the Governor and Secretary, and in like manner has also obtained funds from said parties on estimates for their houses which applied to the work and material of the Asylum. The testimony also shows that there has been about \$4,000 drawn in excess of the work done and material furnished on the contract for the erection of the Asylum; but in the opinion of Mr. Hunt, one of your Committee, who is an experienced builder and contractor, who examined said work done, and material furnished, the State can suffer in no material interest so far as the contract for building the Insane Asylum is concerned.

Fourth—We find that lots and lands bid off at the public sales in 1869 in the aggregate sum of near \$150,000 yet remain undeeded to the bidders to whom they were struck off. That the money due thereon has not been paid to the Commissioners. We find further that the Commissioners have promised to such purchasers time on said sales.

Fifth—The testimony fully establishes that the advertising for bids and the letting of the contracts for both these buildings were conducted in a fair and impartial manner; that there was no favoritism shown to any one; that no person whatever had any advantage over others in bidding for the contracts of either building, and that the Commissioners or any of them received any consideration whatever for awarding the contracts to the parties who obtained them.

Sixth—That the Commissioners at the public sales of lots and lands put forth all proper means to further the interests and advance the welfare of the State, by selling the lots and lands at the best prices. That but few lots were sold otherwise than at public sale, and those were sold to rectify errors in numbers of lots and mistakes made in the hurry of bidding at the sales, and in some instances to encourage the interests of Lincoln and thereby further the public benefit. We further find from the testimony before us that the Commissioners had no individual interest in the letting of contracts for the erection of public buildings or in the sale of lots and lands other than any citizen of Lincoln and of the State; that the Commissioners have purchased property in Lincoln as other individuals and thereby showed their faith in Lincoln by their works and deeds, and owing to such purchase of property by men in such high offices of State. The State has realized a large amount of money over and above what could have been anticipated. That largely owing to the efforts of the Commissioners the State property in Lincoln has brought, and is worth, much larger sums of

money, viz: double the amount contemplated by the Legislature one year ago. That the Commissioners found upon obtaining knowledge of the wants of public buildings, that the appropriations made by the last session of the Legislature were insufficient to erect suitable buildings, and in view of the fact that the State had realized a larger sum out of Lincoln lots than contemplated; increased the size and cost of the public buildings; that the State needed buildings equal to those contracted for, and the State has and will realize sufficient means out of the Lincoln lots and saline lands to erect such buildings which when done, it is hoped will be a credit to our young State.

Signed by the Joint Committee.

THOS. B. STEVENSON,
S. A. FULTON,
JARVIS S. CHURCH,
S. C. BREWSTER,
J. S. HUNT.

When upon motion Joint Convention adjourned *sine die*.

AFTER JOINT CONVENTION.

The President called the Senate to order, and Mr. Frost from Committee of Managers upon the disagreeing votes of the two Houses upon House substitute to S. 13, an act making appropriation for the current expenses of the year 1870, made following report:

Your Committee of Conference have agreed upon the following basis of amendment, viz:

To M. and C.....	\$ 144 00
To M and C, Blanks Superintendent Public Instruction.....	81 00
To M and C, Adjutant General's Office.....	150 00
To Stationery Adjutant General's Office.....	98 00
To Furnishing Office of Attorney General.....	395 00
To Michael O'Connor, 3 days labor.....	7 80
To Printing Last Session.....	1439 50
To Printing, Binding and Indexing 150 Vol's Registration Books...	454 50
To Expenses Investigating Committee.....	11 00

Report of the committee adopted.

Upon unanimous consent rules were suspended, bill read third time as amended and put upon its passage,

The President put the question, shall the bill pass as amended?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Cunningham, Daily, Frost, Fulton, Gere, Goodwill, Hathaway, Reed, Stevenson and Mr. President—11.

So the bill passed.

Message from the House, by Mr Walker, Chief Clerk:

Mr. President:

The House has passed S. 17, an act to provide for the temporary care and custody of State prisoners &c., without amendment.

Also the House has adopted the report of the Committee of Conference to the disagreeing votes of the two Houses to substitute to S. 13, an act making appropriation for the current expenses of the year 1870.

C. H. WALKER, *Chief Clerk.*

Upon motion of Mr. Frost Senate went into Committee of the Whole House, with Mr. Daily in the chair, and after some time spent therein the President resumed the chair and Mr. Daily made the following report:

Your committee have had under consideration H. 19, an act to authorize the raising of troops on extraordinary occasions and to authorize the organization of State troops, and recommend the passage of the bill without amendment.

Upon unanimous consent the rules were suspended, bill read third time and put upon its passage.

The President put the question:

Shall the bill pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Daily, Frost, Fulton, Gere, Goodwill, Porter, Reed, Stevenson and Mr. President—11.

No one voting in the negative.

So the bill passed.

Mr. Reed, upon unanimous consent, offered joint resolution S. 10, joint resolution in relation to the Commissioners of public buildings, &c.

Read first time.

Upon unanimous consent, rules were suspended, resolution read second and third times and put upon its passage.

The President put the question :

Shall the joint resolution pass?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwill, Hathaway, Porter, Reed, Stevenson and Mr. President—13.

No one voting in the negative.

So the resolution passed.

Upon unanimous consent the rules were suspended and S. R. 7, joint resolution relative to the investigation of the official acts of the Commissioners of public buildings, lands, &c., and providing for the payment of the expenses incidental thereto, was taken up and indefinitely postponed.

Upon motion of Mr. Barnum, H. R. 31, joint resolution relative to adjournment, was taken up.

Mr. Frost moved to amend by striking out the word "six" and inserting in lieu thereof the word "seven," in the last line of the resolution, which which was agreed to.

Upon unanimous consent resolution was read third time by its title and put upon its passage.

The President put the question, shall the bill pass?

Which was decided in the affirmative.

Those voting in the affirmative, were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton, Gere, Goodwill, Hathaway, Porter, Reed, Stevenson and Mr. President—13.

No one voting in the negative.

Mr. Fulton, upon unanimous consent, read from his seat and offered the following resolution, which was considered and adopted :

Resolved, That the thanks of the Senate be and they are hereby tendered to the officers of the Senate for the faithful and efficient manner in which they have performed their various duties at this session.

Mr. Gere from Committee on Engrossed and Enrolled Bills made the following report:

Your Committee have examined an act to provide for the temporary care and custody of State prisoners of the State of Nebraska, and to provide a temporary Penitentiary for such prisoners, and find the same correctly enrolled.

C. H. GERE, *Chairman*.

The President signed in open Senate S. 17, an act to provide for the temporary care and custody of State prisoners and to provide a temporary State Penitentiary for such prisoners.

Message from the House by Mr. Walker, Chief Clerk:

Mr. President:

The House has passed S. R. 10, joint resolution relative to the Commissioners of Public Buildings, without amendment.

Also the House concurs in the amendment of the Senate to H. R. 31, joint resolution relative to adjournment.

C. H. WALKER, *Chief Clerk*.

Upon motion of Mr. Frost Senate took a recess until 6½ o'clock P. M.

AFTER RECESS.

Message from the Governor by Mr. Kellogg, his Private Secretary.

MARCH 4, 1870.

To the Honorable the President of the Senate:

I am directed by his Excellency the Governor to inform your honorable body that he has this day approved and signed the following entitled act, viz:

An act to provide for the temporary care and custody of the State prisoners of Nebraska, and to provide a temporary penitentiary for such prisoners.

A. W. KELLOGG, *Private Secretary*.

Mr. Gere from Committee on Engrossed and Enrolled bills made following report.

Your Committee have examined an act making further appropriation for current expenses of the year 1870.

Also, joint resolution relative to the Commissioners of public buildings, and find them correctly enrolled.

C. H. GERE, *Chairman*.

The President signed in open Senate S. R. 10, joint resolution relative to Commissioners of public buildings.

Also, H. substitute to S. 13, an act making current expenses for the year 1870.

Mr. Porter, by unanimous consent, introduced S. R. 11, joint resolution providing for the publication in newspapers of the laws.

Read first time.

Resolution read second and third time by title and put upon its passage.

The President put the question :

Shall the resolution pass ?

Which was decided in the affirmative.

Those voting in the affirmative were Messrs. Ashton, Barnum, Cunningham, Daily, Frost, Fulton Gere, Goodwill, Hathaway, Porter, Reed, Steven- and Mr. President—13.

No one voting in the negative.

So the resolution passed.

Message from the House by Mr. Walker, Chief Clerk :

Mr. President :

The House has adopted the report of the managers on the disagreeing votes of the Senate and House on H. R. 19½, an act to encourage and facilitate Immigration to the State of Nebraska.

C. H. WALKER, *Chief Clerk.*

Mr. Gere from Committee on Engrossed and Enrolled Bills made the following report :

Mr. President.

Your Committee have this day presented to the Governor for his signature, an act to provide for the temporary care and custody of State prisoners of the State of Nebraska, and to provide a temporary Penitentiary for State prisoners.

Also an act making further appropriation for the current expenses for the year 1870.

Also joint resolution relative to Commissioners of Public Buildings.

C. H. GERE, *Chairman.*

The President signed in open Senate H. 13, an act to authorize the raising of troops upon extraordinary occasions and to authorize the organization of troops.

Also an act to encourage and facilitate foreign immigration to this State.

Message from the Governor by his private Secretary :

To the President of the Senate:

I am directed by his Excellency the Governor to inform your honorable body that he has this day approved and signed the following entitled acts, viz :

An act making further appropriations for the current expenses of the year 1870.

A joint resolution relative to the Commissioners of Public Buildings.

Upon motion Mr. Barnum was appointed a committee to wait upon the House and notify that body that the Senate has concluded its business and is now ready to adjourn.

Messrs. Seybolt and Rathman, a committee of the House, appeared and informed the Senate that the House had concluded its business and was ready to adjourn.

Upon motion of Mr. Cunningham Senate adjourned *sine die*.

Attest :

SAM. M. CHAPMAN,

Secretary State Senate.